

DECREEE-LAW No. 5/2016
of 16 March 2016

NATIONAL SYSTEM OF PROTECTED AREAS

The Constitution of the Democratic Republic of Timor-Leste defines, as fundamental objectives of the State, the duty to protect the environment, preserve natural resources and affirm and value the cultural heritage of the Timorese people, in a holistic perspective of protection, for the benefit of the environment and for the benefit of future generations, in accordance with the principle of solidarity between generations and the sustainable development of the economy.

The constitutional protection of the environment is a reflection not only of the international trend verified in this sense, but also of the strong link existing between our people and the natural ecosystem, essential for the survival of local communities and for the very affirmation of East Timorese culture.

Over the past few years, the constitutional mandate has been reflected in the approval of a set of environmental instruments of great importance, such as the Basic Law on the Environment, the National Biodiversity Strategy and the National Strategy to Combat Climate Change, among others, which are clear examples of the national commitment to preserve the environment and natural ecosystems, as fundamental tools for reducing poverty and promoting the quality of life of our population. Some protected areas were also created by the executive, namely the Nino Konis Santana National Park, designed to safeguard its extensive range of natural, cultural, and ecological values, and to promote its important role as a cornerstone of Timor-Leste's tourism strategy.

The Strategic Development Plan 2011 – 2030 recognizes and identifies other areas of nature conservation with high tourism potential, also determining the need to pass specific legislation for the protection of nature and wildlife.

To date, the issue is foreseen in UNTAET Regulation 19/2000, which is manifestly inappropriate for the current needs for nature protection and inappropriate for protecting the high biodiversity that exists in our country. As is known, Timor-Leste is in a region known as Wallacea and has a large number of endemic species and terrestrial and marine ecosystems of global importance that demand legal protection integrated into a national system of protected areas.

This legal diploma thus defines the norms and principles for the creation of the national system of terrestrial and marine protected areas, for the classification of protected areas and for the approval of the applicable management instruments, according to the best international practices in the matter, duly adapted to the national reality, without forgetting the important role of community authorities and existing customs, namely *lisuk*, *fatimlulik*, *lisane* and *tarabandu*.

In terms of its practical implementation, the executive is expected to have five years to approve the plan for the formal creation of the national protected area system, which includes a significant number of areas already identified and automatically classified by this Decree-Law.

In addition to the possibility of creating national parks, wildlife sanctuaries, natural monuments, protected landscapes and nature reserves, as protected areas in the public domain, the possibility of integrating the national system of protected areas, protected areas of private status is also recognized, or community, transboundary protected areas and provisional protected areas, with the aim of providing

broad and transversal protection that is capable of contributing to the improvement of the lives of local populations and to the sustainable development of the nation.

As such, the approval of the present Decree-Law creates the necessary legal instruments for the protection of nature, as an essential component for our survival and for the expansion of ecological tourism, one of the great potentialities for the economic and social development of our country. At the same time, the State's obligations under the United Nations Convention on Biological Diversity, which has already been ratified, will also be fulfilled.

This diploma was the subject of several public consultations held at the level of the municipalities and in Dili, involving representatives of various governmental entities, non-governmental organizations, national and international officials and experts.

Thus, the Government decrees, under the terms of point o) of paragraph 1 of article 115, of point d) of article 116 of the Constitution of the Republic and of paragraph 2 of article 28 of Decree-Law 26/2012, of July 4, to be enforced as law, the following:

CHAPTER I GENERAL PROVISIONS

Article 1 Object

This Decree-Law establishes the legal regime applicable to the creation and management of the National System of Protected Areas, hereinafter referred to as NSPA.

Article 2 Definitions

In addition to the definitions contained in the Basic Law for the Environment, for the purposes of interpretation and application of this law, the following definitions are adopted:

- a) *Ecosystem approach*: a strategy for the integrated, long-term management of terrestrial, aquatic, coastal and marine ecosystems, wetlands and their environmental components, which places human needs at the center of biodiversity management and promotes conservation and the sustainable use of resources in an equitable manner;
- b) *Adaptation to climate change*: measures that aim to reduce the vulnerability of natural and human systems to the impacts of climate change;
- c) *Ecological corridor*: an identified portion of habitat that connects between protected areas or between areas of prohibited access within a protected area, with sufficient size and distribution to combat the fragmentation of the ecosystem and habitat, to allow and facilitate migration of species;
- d) *Ecotourism*: environmentally sustainable tourism, socially responsible and with cultural characteristics practiced in natural areas, which contributes to improving the livelihoods of communities and promoting the conservation of the natural environment and cultural heritage;
- e) *Endemic species*: species of fauna or flora originating only in a specific territory or area;
- f) *Invasive alien species*: non-indigenous species of fauna and flora that do not originate from a specific territory or area, that are established in natural or semi-natural ecosystems or habitats and that, as agents of change, threaten native biological diversity;

- g) *Protected species*: endangered species of fauna and flora or any other species that are identified as protected under the law or under any international agreement to which the Democratic Republic of Timor-Leste is a party;
- h) *Fatinlulik*: a sacred place duly identified, recognized and respected by the local communities;
- i) *Habitat*: the place or site where an organism or population lives naturally and, during the different stages of its life cycle, finds shelter, food and conditions to reproduce;
- j) *Critical habitat*: a specific area necessary to ensure that an organism or population of a species can survive and thrive in all stages of its life;
- k) *Lisuk*: a norm of customary law that regulates the model of mutual cooperation in the work of exploring the land, raising animals and building houses by members of a certain community;
- l) *Lisan*: a set of unwritten rules that are in force in a given society, at a given stage of its development that dictate behaviors and assign rights and obligations to members of the same community belonging to the same family tree;
- m) *Intermediation mechanism*: a mechanism designed to promote and facilitate scientific and technical cooperation, knowledge sharing and information exchange in the context of the conservation and sustainable use of biological diversity;
- n) *Mitigation of climate change*: an action or set of actions aimed at reducing the emission of greenhouse gases into the atmosphere;
- o) *Nahebitibot*: the misunderstanding or resolution mechanism.

Article 3

Scope

The legal regime established in this Decree-Law is applicable to the entire national territory and to waters under national jurisdiction, without prejudice to the application of special regimes, under the terms of international law.

Article 4

Objectives

The State creates the NSPA with the following objectives:

- a) Protect determined areas that represent the totality of ecosystems and critical habitats for endemic species, migrant species or other species protected by law;
- b) Implement an ecosystem approach and ensure that ecosystems continue to provide the necessary services and on which human well-being depends;
- c) To guarantee the resilience and capacity of protected areas and underlying ecosystems in mitigating and adapting to natural and human-induced pressures and changes, namely, climate change.

Article 5

Principles

Without prejudice to the general principles established in the Basic Law for the Environment, the creation and management of the NSPA must obey the following principles:

- a) Principle of integrating protected areas in the national environmental heritage, as a necessary component for sustainable development outside the legal trade;
- b) Principle of sustainability, which aims to promote the use and rational use of natural and cultural resources existing in a protected area, the use of which can only be made under the terms provided for in this Decree-Law;

- c) Principle of the ecosystem approach, according to which the creation and management tools of a protected area must be harmonized with the individual and collective needs of communities living in and around the protected area;
- d) Principle of solidarity between generations, according to which protected areas must contribute to the conservation and restoration of biological resources and their environment, towards and for the benefit of future generations.

Article 6

Traditional protection

1. Preparation of the national plan for the NSPA, classification and management of a protected area should take into account the uses and customs of Timor-Leste, which do not contravene the Constitution and the law, and in particular *lisuk*, *ofatinlulik*, *lisane*, and *tarabandu*.
2. Community leaders, traditional leaders and local communities in the involved and adjacent area should also be involved.

Article 7

Queries

The preparation of the national plan for the NPAS and the classification of a protected area is done in conjunction and consultation with:

- a) The relevant government entities and their deconcentrated services existing in the area to be classified;
- b) Municipalities existing in the area to be classified;
- c) The Authority of the Special Administrative Region of OeCusse Ambeno, whenever a portion of the territory in question is wholly or partially involved, covering the Region or the Special Social Economy Zone of Ataúro Market.

CHAPTER II

NATIONAL SYSTEM OF PROTECTED AREAS

Article 8

National System of Protected Areas

The NSPA integrates the set of terrestrial and marine protected areas or both, including areas of public, private or community domain, of national, regional, municipal, local or transboundary scope, under the terms provided for in the present diploma.

Article 9

National plan

1. It is the responsibility of the government entity responsible for protected areas to prepare a national plan for the creation and management of the NSPA.
2. The preparation of the plan referred to in the previous paragraph is carried out in an integrated manner with other government policies and strategies and land use plans in force and in coordination with the government entities responsible for the areas of the environment, spatial planning, tourism, heritage cultural, finance and cadastral registration.
3. The national plan is approved by a Government Resolution that establishes the process and mechanisms for defining the scope, purpose and primary management objectives of protected areas, under the terms provided for in this Decree-Law and includes strategies:

- a) For the application of an ecosystem approach that promotes and supports joint management of protected areas;
- b) For the fulfillment of the goals foreseen for terrestrial, aquatic and wetland, coastal and marine ecosystems included in relevant national assessments, strategies and action plans;
- c) To achieve full representation of all national ecosystems in the NSPA, including the identification of ecological corridors between protected areas and determination of zones;
- d) Adaptation and mitigation to climate change;
- e) For the existence of adequate financial resources for the development and maintenance of the NSPA;
- f) To promote and develop the management capacity of the entities involved in the NSPA, particularly women and vulnerable groups.

Article 10

Amendment and revision

- 1. The national plan is occasionally changed whenever justified and revised at least every five years.
- 2. The change or revision is governed by the provisions of the previous article, with the necessary adaptations.

CHAPTER III

PROTECTED AREAS

SECTION I

GENERAL PROVISIONS

Article 11

Protected areas

- 1. Defined parcels of land, fresh water, wetlands, coastal or marine ecosystems or any combination of these ecosystems that are intended to protect and conserve terrestrial or marine biodiversity, geodiversity, environmental services, and ecosystems must be classified as protected areas, associated scientific, ecological and cultural values, under the terms provided for in this law.
- 2. Protected areas may include areas in the public domain of the State, private areas owned by individuals or community areas.

Article 12

Typology

- 1. The classification of a protected area aims to grant it an adequate legal status of protection according to the assets and values it aims to protect, according to the following typology:
 - a) National park;
 - b) Wildlife sanctuary;
 - c) Natural monument;
 - d) Protected landscape;
 - e) Nature reserve.
- 2. Except for the national park, the classification of protected areas may be accompanied by the designation “regional”, “municipal” or “local” depending on the corresponding dimension of the interests that they seek to safeguard.

Article 13
Private or community protected areas

1. The classification of protected area with private or community status may be assigned to private or community areas not belonging to the public domain of the State.
2. The classification is made at the request of the respective owner or the community, represented according to local customs and practices, by filling out a form and under the terms defined by the member of the Government responsible for protected areas.
3. The classification of a protected area with private or community status is made by ministerial diploma from the member of the Government responsible for protected areas.
4. Protected areas with private or community status are part of the NSPA and are subject to protection and conservation by their holder, according to the guidelines to be agreed with the government entity responsible for the protected areas.

Article 14
Cross-border protected areas

Cross-border protected areas can be classified over certain terrestrial areas, marine areas or both, designed to protect and maintain biodiversity and associated natural and cultural resources, in accordance with international law.

Article 15
Provisional protected areas

1. Any duly identified area that needs protection and conservation can be classified as a provisional protected area for a maximum period of 3 years while the formal process for the creation of a protected area is pending.
2. The classification referred to in the previous number is made by ministerial diploma from the governmental entity responsible for protected areas, through hearing and consultation with governmental entities responsible for the environment, land use planning, tourism, cultural heritage, finance, and cadastral registration, and after summarily hearing the Municipalities, the communities and traditional leaders existing in the respective area, as well as the Authority of the Special Administrative Region of Oe-Cusse Ambeno, whenever a portion of territory that wholly or partially covers the Region or the Special Social Economy Market Zone of Ataúro.
3. The provisional protected area classification is communicated to the entities foreseen in the previous number and considered in the preparation of land use plans.
4. During the period of provisional protection, urban or other acts may not be carried out, which may lead to a significant transformation of the physical and biological environment of the area in question.

SECTION II
CLASSIFICATION, DELIMITATION AND SIGNALING

Article 16
Classification of protected areas

1. The protected area classification is proposed by the member of the Government responsible for protected areas and approved by Government Resolution, which defines:

- a) The typology of the protected area and its specific objectives;
 - b) The geographical delimitation of the area covered;
 - c) The existence of ecological corridors or zones;
 - d) The reason for protection;
 - e) The deadline for drawing up the management plan and signing the joint management agreement, whenever deemed necessary.
2. The classification is necessarily preceded by a period of consultation, under the terms foreseen in article 7 and by hearing community and traditional leaders, local communities and environmental non-governmental organizations.
 3. Once classified, the protected area can be expropriated, upon payment of fair compensation, under the terms of the law.
 4. The procedure for submitting the proposal for the classification of protected areas is approved by Government Decree.

Article 17

Delimitation and signaling

1. Protected areas, ecological corridors and existing areas are duly delimited through easily identifiable border markers and signposted with posters made of materials and language appropriate for the area in question.
2. The demarcation and signaling models are approved by ministerial diploma from the member of the Government responsible for protected areas.

CHAPTER IV

MANAGEMENT AND PROTECTION OF PROTECTED AREAS

SECTION I

MANAGEMENT OBJECTIVES

Article 18

National park

1. The national park is an area that contains one or more ecosystems that integrate plant and animal species, natural and humanized landscapes, geomorphological zones and habitats with scientific, socio-economic, ecological, landscape, recreational, cultural or educational interest or where there is a natural landscape of remarkable aesthetic value.
2. The classification of a national park aims to holistically protect the integrity of the ecosystems referred to in the previous paragraph, through the adoption of measures aimed at:
 - a) The protection and recovery of species, ecosystems and ecological processes in a given area;
 - b) The promotion of recreational and leisure activities that allow the interaction of people with the surrounding nature in a sustainable manner and that preserves the integrity of the area;
 - c) The regulation of exploration and building activities, considering the needs of local communities;
 - d) The sustainable use of existing natural resources in activities that constitute alternatives for sustainable local development.

Article 19
Wildlife sanctuary

1. The wildlife sanctuary is an area that contains, predominantly, natural systems with habitat, species or samples representative of the country's biodiversity, without significant permanent human influence.
2. The classification of a wildlife sanctuary aims to protect the ecological integrity of ecosystems, habitats, species or natural processes in order to preserve their natural condition.

Article 20
Natural monument

1. The natural monument is a natural occurrence that contains one of the most natural elements of exceptional value which, due to its rarity, singularity or representativeness, scientific interest, ecological or cultural function, requires conservation and maintenance of its integrity.
2. The classification of a natural monument aims to protect the occurrences and the notable natural elements of the geological, geographic, maritime heritage or other, aimed at limiting or preventing any activity or action that may alter its characteristics and the associated biodiversity.

Article 21
Protected landscape

1. The protected landscape is an area where the integrated action of man with nature has created distinctive characteristics, with significant aesthetic, scenic, cultural, ecological or biological value and where safeguarding the integrity of this interaction is vital for the protection and conservation of the area.
2. The classification of a protected landscape aims to protect, maintain or restore the integrity of the interaction referred to in the previous paragraph, through measures aimed at:
 - a) Conserving the characteristic elements of the ecosystem in a perspective of enhancing the landscape;
 - b) Promote sustainable initiatives and activities for the use of the landscape that promote sustainable local development.

Article 22
Nature Reserve

1. The nature reserve is an area with characteristics of special ecological, scientific, geological or geomorphological interest, with *lulik* sites or intended to protect specific species or habitats.
2. The classification of a natural reserve aims to protect the interests referred to in the preceding paragraph, through the preservation of its natural condition, the maintenance and recovery of species and habitats and the control of human impact on them.
3. The nature reserve may have the classification of the dominant resource subject to protection, such as botanical reserve, marine reserve, forest reserve, ornithological reserve, swamp reserve, among others.

SECTION II
MANAGEMENT INSTRUMENTS

Article 23
Management tools

1. For protected areas where there is a need, a management plan and a joint management agreement can be approved, prepared in compliance with the provisions of the present legal diploma, in the land use

plans in force and in accordance with the guidelines contained in the Resolution of the Government that classifies the protected area.

2. Management instruments are prepared by the government entity responsible for protected areas, taking into account the characteristics and needs of each area, in close coordination with:

- a) Central and decentralized government entities existing in the area to be classified, responsible for the environment, spatial planning, tourism, cultural heritage, finance and cadastral registration;
- b) Municipalities existing in the area to be classified;
- c) The Authority of the Special Administrative Region of Oe-Cusse Ambeno, whenever a portion of the territory in question is wholly or partially involved, covering the Region or the Special Social Economy Zone of Ataúro Market.

3. Community and traditional leaders and local communities in the involved and adjacent area are also heard.

Article 24 **Binding Force**

The management instruments approved for each protected area are legally binding on public and private entities.

Article 25 **Management plan**

1. The management plan is approved by a Government Resolution and must be prepared according to the following rules:

- a) Establish the objectives and the category of management for the protected area, under the terms provided for in this law and in accordance with the best international management practices;
- b) Specify the measures to be implemented and the activities to be carried out to achieve the management objectives;
- c) Determine the zones for the protected area and the surrounding area;
- d) Include a detailed map of the protected area that indicates the existing zones and the ecological corridors created;
- e) Identify any *lisuk*, *lisan* or *tara bandu* action taken and specify how traditional measures should be taken into account in the management of the protected area;
- f) Identify existing cultural resources and specify the measures to be taken for their proper conservation;
- g) Indicate the services and infrastructures to be implemented in the protected area;
- h) Identify, together with the governmental entity responsible for tourism, the touristic and ecotourism activities to be developed;
- i) Establish the rules for conducting scientific, cultural and social research;
- j) Determine the permitted and prohibited activities in the protected area, considering the management objectives, regulating, namely:
 - i) The possibility of land occupation;
 - ii) Carrying out agricultural and grazing activities for animals;

- iii) The construction or maintenance of any type of temporary or permanent, private or community structure, including fences and enclosures;
 - iv) The construction of roads or access routes for vehicles;
 - v) The use of motorized equipment, excluding authorized vehicles;
 - vi) The carrying out of controlled fires or burning.
- k) Specify the measures for the growth and sustainable management of communities located in the protected area;
 - l) Specify the activities aimed at raising awareness about the values and importance of the protected area;
 - m) Establish standards for its monitoring and evaluation;
 - n) Any other information necessary for the sustainable management of the protected area.
2. Marine protected area management plans must pay special attention to the need for protection and conservation of coral banks.
 3. The management plan is implemented based on a joint management agreement, under the terms provided for in article 28.

Article 26

Change and revision

1. The management plan is occasionally changed whenever justified and reviewed, at least, every five years.
2. The alteration or revision is governed by the provisions of the previous article, with the necessary adaptations.

Article 27

Provisional management plan

Whenever proven to be justified, the provisional protected areas are provided with a provisional management plan, prepared in summary form, under the terms provided for in the previous article, with the necessary adaptations.

Article 28

Joint management agreement

1. The joint management agreements are designed to facilitate and promote the implementation of the management plan, being prepared jointly by the governmental entity responsible for the protected areas and the chairman of the Management Committee for the protected area.
2. The joint management agreement must, as a minimum:
 - a) Specify the responsibilities of each group or interested parties in the management of the protected area, as described in the management plan;
 - b) Specify the responsibilities for the implementation of any *lisuk*, *lisan* or *tara bandu* that applies to the protected area;
 - c) Specify the responsibilities for the *nahebitibot*;
 - d) Any other provision necessary for the implementation of the management plan.
3. The joint management agreements are signed by the member of the Government responsible for the protected areas and by the chairman of the Management Committee for the protected area, on his behalf.

Article 29
Interim joint management agreement

Whenever proven to be justified, the provisional protected areas are endowed with a joint management agreement prepared in summary form, under the terms provided for in the previous article, with the necessary adaptations.

Article 30
Publicity

The governmental entity responsible for the protected areas and the Head of the Protected Area must ensure the dissemination of management tools and other relevant information about the protected area, by posting it in a public place and making it available for free on a website.

SECTION III
ECOLOGICAL CORRIDORS AND AREAS

Article 31
Ecological corridor

1. The creation of an ecological corridor between protected areas is approved by a Government Resolution whenever it proves to be justified, considering the values to be protected.
2. The Government Resolution must contain, at a minimum:
 - a) Justification for the creation of the ecological corridor, including a detailed description of the natural characteristics of the proposed corridor and the changes in land use required of the local resident community;
 - b) Characteristics of distribution, movements and migration patterns of species and an assessment of the impact on them in case the corridor is not created;
 - c) Description of the level of fragmentation of ecosystems and habitats;
 - d) Indication of the consultation process carried out under the terms of articles 6 and 7;
 - e) Description of the state of land use and the existence of plans for its use;
 - f) Assessment of the potential negative impacts of climate change on the protected areas to be linked;
 - g) Estimation of potential ecosystem services that can be provided by the ecological corridor;
 - h) Proposal for the creation of an ecological corridor agreement that specifies the necessary land use changes to be signed with the community leaders of the areas involved, if necessary;
 - i) Appropriate monitoring mechanisms, namely the signing of agreements with the community or the creation of a monitoring committee for the ecological corridor, if necessary;
 - j) Any other relevant information.
3. The creation of an ecological corridor between prohibited access areas within a protected area can be done at all times, by ministerial diploma from the governmental entity responsible for the protected areas, with the provisions of the preceding paragraph correspondingly applicable.
4. The creation of an ecological corridor is communicated to the government entity responsible for land use planning for inclusion in land use plans, under the terms of the law.

Article 32

Zones

1. The following zones can be identified in a protected area or in an adjacent area, depending on the greater or lesser level of protection required by the fragility of their ecological elements or processes, the need to accommodate traditional uses and existing installations or the interest in installation of services:

- a) Areas of prohibited access, intended for the full preservation of the area without human intrusion, where the use of resources is not allowed;
- b) Buffer or buffer zones designed to support the conservation of prohibited access areas, where resource management and human activities are subject to specific rules and restrictions.
- c) Areas of use where the construction of access infrastructures and support for the management of the area, installation of services for human use and where natural resources can be used, under the terms provided for in the management instruments, is permitted.

2. The creation of a given area is included in the management plan or is subsequently determined jointly by the government entity responsible for protected areas, tourism and cultural heritage, under the terms provided for in this article.

SECTION IV PROTECTION SCHEME

Article 33

Activities allowed

1. Without prejudice to the provisions of the management plan and the respective joint management agreement, the following activities may be carried out in protected areas:

- a) Subsistence hunting of unprotected species;
- b) Subsistence fishing for unprotected species;
- c) Subsistence agriculture in home gardens that are recognized as such by community and traditional leaders;
- d) Cutting and removal of wood of unprotected species, only from land, which is less than 1,500 meters in altitude and has a slope of less than 25%, for the purposes of family subsistence and other domestic, traditional or cultural activities, construction of traditional houses and construction of religious buildings;
- e) Activities of photography and commercial recording, in any format, including cinema and video;
- f) Expeditions for tourism purposes;
- g) Expeditions for the purposes of scientific research and education.

2. The performance of the activities foreseen in paragraph e) and f) of the previous number, are subject to the payment of a charge or fee, under the terms of the law.

3. The Government determines, by its own diploma, upon proposal by the governmental entity responsible for the protected areas, the list of activities subject to authorization or license and the payment of the corresponding charge or fee, under the terms of the law.

4. The member of the Government responsible for the protected areas can reasonably determine the temporary prohibition on carrying out the activities provided for in paragraph 1 in a certain protected area, by means of an order, published in the *Jornal da República* and publicly posted in the respective area covered.

Article 34

Prohibited activities in a protected area

Without prejudice to the provisions of criminal law, the management plan and respective joint management agreement, the following activities are prohibited in a protected area:

- a) Introduce directly or indirectly, pollutants of any kind, in any form, or eliminate waste of any nature by extraction or excavation;
- b) Burn or carry out any other forest destruction activity;
- c) Cut, burn, pluck or harvest protected flora;
- d) Introduce invasive exotic species of flora or fauna;
- e) Hunting or fishing wild species or carrying out any activity that interferes with their development, reproduction or migration;
- f) Use firearms, explosives, toxic substances or any other harmful methods to fauna and flora;
- g) Extract, excavate or perform any other activity related to the commercial exploitation of non-renewable resources;
- h) Burn or carry out any other pasture destruction activity;
- i) To spoil, deface or destroy natural, historical, cultural or artistic property or remove objects that are part of them;
- j) Destroy infrastructure in the protected area, including roads and paths;
- k) Alter, remove, destroy or eliminate landmarks or border signs or any signs or markers placed, for management purposes outside or inside the protected area;
- l) Any other activity determined in the management plan or, reasonably, determined by a specific legal diploma of the member of the Government responsible for protected areas.

CHAPTER V

ORGANIC STRUCTURE

Article 35

General principle

1. It is the responsibility of the governmental entity responsible for the protected areas, in coordination with the Management Committee, to administer and manage the protected area with respect for the provisions of the present diploma.
2. The other central, regional or municipal public entities and community leaders collaborate with the administration of protected areas in the implementation of this Decree-Law within the scope of their powers and competences.

Article 36
Governmental entity responsible for protected areas

Without prejudice to the competences of other public entities that contribute to the conservation and protection of nature and biodiversity, the governmental entity responsible for protected areas is responsible for:

- a) Watching over the implementation and issuing general guidelines for compliance with this Decree-Law;
- b) Preparing the plan for the creation and management of the NSPA and proceeding to its amendment or review and submitting it to the Council of Ministers for approval;
- c) Identifying the areas that need protection and preparing the proposed classification of the protected area, ecological corridors and zones;
- d) Submitting to the Council of Ministers, for approval, the proposal for the creation of protected areas;
- e) Ensuring that, in the preparation of the NSPA plan and in the creation of protected areas, all relevant public and private entities, including a group of women, are consulted;
- f) Ensuring that the environmental impact assessment procedures carried out in the protected or adjacent area are carried out, in cooperation with the relevant government entities, under the terms of the law;
- g) Promoting public disclosure of the creation of protected areas and adopting education campaigns to raise awareness about its importance for sustainable development;
- h) Providing technical assistance and coordinating the preparation of management plans and joint management agreements, in coordination with the relevant entities;
- i) Guaranteeing the demarcation and delimitation of protected areas, ecological corridors and zones, in cooperation with the relevant public entities and community leaders;
- j) Elaborating a training plan for the personnel of the protected areas, according to the duly identified needs and to guarantee the gender balance in its implementation;
- k) Supervising the administration of operations carried out in protected areas;
- l) Monitoring the implementation of management plans and joint management agreements;
- m) Ensuring the allocation of an annual budget for protected areas, through the general budget of the State or other sources of financing and control its execution;
- n) Establishing a communication network throughout the NSPA that allows the exchange of information in a timely manner;
- o) Establishing a public database with relevant and complete information on protected areas and existing ecological corridors and their instruments for management and administration, accessible for the purpose of implementing the established international intermediation mechanisms;
- p) Promoting the establishment of dynamic partnerships with national or foreign entities, to carry out activities or programs to support the creation, management and administration of protected areas;
- q) Encouraging the promotion of scientific research activities in protected areas;
- r) Ensuring that the plan for the creation of the NSPA and the creation and management of protected areas is in accordance with the land use plans and ecotourism strategies or policies;

- s) Promoting, with the governmental entity responsible for education, the introduction of information on protected areas in school curricula;
- t) Approving, by its own diploma, the regulations necessary for the implementation of this Decree-Law;
- u) Appointing the members of the Management Committee;
- v) Proposing to the Government the approval by its own diploma, of the activities that are subject to licensing or authorization;
- w) Any other assigned to it by law.

Article 37

Management Committee

1. Protected areas can be managed by a Management Committee established by the government entity responsible for protected areas and composed of the following members:

- a) The Head of the Protected Area, representing the governmental entity responsible for the protected areas, who is the secretary.
- b) A *lia nain* or another representative of the traditional leaders for each of the existing *sucos* in the protected area;
- c) A youth representative for each of the existing *sucos* in the protected area;
- d) A women's representative for each of the existing *sucos* in the protected area;
- e) A representative of the elderly for each of the existing *sucos* in the protected area;
- f) A religious leader for each of the existing *sucos* in the protected area;
- g) A representative of the Authority of the Special Administrative Region of Oe-Cusse Ambeno, whenever a portion of the territory is concerned, and wholly or partially covering the Region or the Special Social Economy Zone of Ataúro Market.
- h) A representative of the local authorities for each of the Municipalities existing in the protected area;
- i) A representative of the National Police of Timor-Leste with jurisdiction over the protected area;
- j) A representative of the State's decentralized services with responsibilities in the areas of tourism, cultural heritage and the environment;
- k) Any other member determined by order of the Government member with responsibility for protected areas.

2. Observer members of the Management Committee are a representative of each of the private sector organizations and of the existing non-governmental organizations with a well-founded interest in the protected area or in an adjacent area.

3. The Management Committee may, by reasoned order from the Government member responsible for protected areas, manage more than one protected area.

4. Provisional protected areas are provided with a provisional Management Committee, if justified.

5. The rules for the creation and operation of the Management Committee are defined by ministerial diploma from the governmental entity responsible for protected areas.

Article 38

Competences

1. The Management Committee is responsible for:
 - a) Preparing and keeping updated the management plan and the joint management agreement for the protected area for superior approval;
 - b) Supervising the implementation of the management plan and the joint management agreement;
 - c) Encouraging the participation of local communities in the management of the protected area;
 - d) Promoting the resolution of disputes involving the protected area in accordance with local customs, under the terms of the Constitution and the law;
 - e) Supporting the Head of the Protected Area in the supervision of operations and activities legally carried out in the protected area;
 - f) Approving the selection of community organizations, designed to manage services or carry out projects within the protected area;
 - g) Participating actively in the evaluation processes of environmental impact carried out in or near the protected area;
 - h) Participating in the creation of ecological tourism facilities and infrastructure, namely, for the provision of water, shelters, food and waste disposal;
 - i) Promoting the creation of programs that offer alternative income to local communities;
 - j) Guaranteeing and providing information on the protected area and its ecosystems;
 - k) Electing its president, for a maximum period of 5 years;
 - l) Any other assigned by law.
2. The decisions taken by the Management Committee, under this article, are referred to the member of the government responsible for the protected areas, for approval.

Article 39

Head of the Protected Area

1. The Head of the Protected Area must be appointed from among a qualified official of the government entity responsible for the protected areas, with experience and appropriate training for the position.
2. The Head of the Protected Area is responsible for:
 - a) Actively participating in the definition and periodic review of the management plan and the joint management agreement;
 - b) Administering, managing and promoting the implementation of the management plan and the joint management agreement;
 - c) Preparing an annual plan of operations and the annual budget for the protected area;
 - d) Preparing an annual operational report on all activities carried out in the protected area, to be submitted to the Government member responsible for protected areas in December of each year.
 - e) Maintaining a register of the activities of the Management Committee of the protected area and providing secretaries for its meetings;

- f) Ensuring that the Management Committee for the protected area is represented in consultations and processes for assessing the environmental impact carried out in the protected area;
 - g) Entering into agreements with the community to promote joint patrol activities in the protected area;
 - h) Coordinating research and monitoring of natural resources in the protected area, keeping an updated record of them;
 - i) Establishing and guaranteeing the existence of a procedure for the safety of visitors, namely, an emergency and evacuation plan;
 - j) Supervising the establishment of support infrastructures for visitors, namely drinking fountains, eating areas, shelters, sanitary facilities, etc;
 - k) Directing and coordinating the employees of the protected area, under the terms of the law;
 - l) Promoting interaction with local communities and their effective participation in the management and protection of the protected area;
 - m) Supervising the performance of activities or projects carried out in the protected area that require a license or authorization, under the terms of the law;
 - n) Establishing and maintaining regular radio communication schedules;
 - o) Cooperating with the police forces in carrying out any inspection or inspection activity taking place in the protected area.
 - p) Any other assigned to it by law.
3. The Head of the Protected Area may, by reasoned dispatch from the member of Government responsible for the protected areas, lead more than one protected area.
4. The Head of the Protected Area is equivalent, for all purposes, to a head of Department.

Article 40

Staff

1. The staff of protected areas includes, in addition to the head of the protected area, technical and administrative officials and the guard of protected areas.
2. Protected area personnel perform the following functions:
 - a) Cooperate with local authorities, public authorities and police forces in the maintenance and preservation of the protected area;
 - b) Sensitize communities living in the protected area and adjacent areas and establish awareness campaigns, regarding the need to comply with management instruments;
 - c) Support local communities in the application of custom, namely, *tara bandu*, which is compatible with the law and the Constitution;
 - d) To monitor compliance with this Decree-Law and inform the competent authorities of suspected crimes;
 - e) Provide support and provide information to visitors, namely on the applicable security rules;
 - f) Prevent, control and eradicate the existence of invasive alien species;
 - g) Respond within their possibilities to emergency or urgent situations;
 - h) Maintain the facilities of the protected areas in good condition.

3. The personnel of the protected areas may, by reasoned dispatch from the member of the Government responsible for the protected areas, perform the powers provided for in the preceding paragraph, in more than one protected area.

4. The personnel in the protected areas carry identification cards, duly approved by ministerial diploma from the member of the Government responsible for the protected areas.

CHAPTER VI ECONOMIC MEANS

Article 41 Financing

The creation and management of NSPA is financed by:

- a) The general State budget;
- b) Donations or funds from organizations, international organizations or development partners, under the terms to be agreed with the Government member responsible for protected areas.

CHAPTER VII SURVEILLANCE AND DISPUTE RESOLUTION

Article 42 Fees and Charges

1. The entry or obtaining of authorization or license to perform a certain activity in a protected area may be subject to the payment of a fee, under the terms defined by a specific legal diploma.

2. Fees or charges may also be payable for environmental services provided by the NSPA, under the terms to be defined by a specific diploma.

Article 43 Inspection

1. The monitoring of compliance with this Decree-Law obeys the precautionary principle and is the responsibility of the governmental entity responsible for the protected areas, the Chief and the personnel of the protected area, without prejudice to the powers of the police and other public authorities, namely, maritime authorities, and port, according to the law.

2. Anyone who witnesses or is aware of the planning or carrying out of prohibited activities in a protected area must communicate this fact, verbally or in writing, to the competent authorities.

Article 44 Dispute resolution

Without prejudice to the use of judicial courts, the Head of the Protected Area must promote amicable resolution of disputes related to protected areas, namely through *nahebitiboot*, in accordance with the Constitution and the law.

CHAPTER VIII SANCTIONAL SYSTEM

Article 45 Responsibility

Actions or omissions that violate the provisions of this Decree-Law give rise to liability against ordinances, without prejudice to any civil or criminal liability that may arise.

Article 46

Administrative offenses

1. The following are offenses:

- a) The practice of any of the activities provided for in article 34.
- b) The practice of any activity that is prohibited under the terms of the management plan or the joint management agreement;
- c) To hide relevant information that jeopardizes the protected area;
- d) Provide services or build infrastructure in the protected area without the respective license or authorization, in accordance with the law;
- e) The abandonment or deposit of debris, scraps or any other waste outside the places destined for it;
- f) The removal or damage of any marine substrates;
- g) The modification of the physical or biological reality of a protected area, through its occupation, clearing, cutting, uprooting, mineral extraction or other prohibited actions;
- h) The damage to the ecological conditions of the protected area through the use of chemicals, toxic substances, fire, leakage of residues or other analogues;
- i) The destruction, alteration or vandalization of the signs or limits of the protected areas.
- j) The alteration of the natural values of a protected area to promote its mischaracterization.

2. The infractions foreseen in number 1 of this article are punished, depending on the gravity of the infraction, with fines of:

- a) \$ 100.00 US dollars to \$ 2,000.00 US dollars, in the case of individual natural persons;
- b) \$ 1,000.00 US dollars to \$ 10,000.00 US dollars, in the case of legal persons.

3. The fines charged in the context of the administrative offense proceed to the State coffers.

4. Without prejudice to the provisions of the preceding paragraph, whenever the minor gravity of the infraction justifies it or in cases of negligence or attempt, a mere written warning may apply to the infringer.

Article 47

Accessory sanctions

The infractions foreseen in the previous article can also determine, when the gravity of the infraction justifies it, the application of the following accessory sanctions:

- a) The seizure of objects belonging to the offender that have been used in the practice of the offense;
- b) The prohibition on exercising activities for a maximum period of two years;
- c) The loss or impossibility of participating in the Management Committee for a period of two years;
- d) The revocation of any license or authorization granted to the infringer, for a maximum period of two years;
- e) The prohibition against entering the protected area, for a maximum period of two years.

Article 48
Reparation of damage

Without prejudice to the imposition of a fine or other sanction, the offender must always repair the damage caused in order to restore, as far as possible, the natural environment existing before the damage occurred, under the terms provided for in the Basic Law of the Environment.

Article 49
Procedure

1. Without prejudice to the powers of the police, maritime and port authorities, the Chief and the personnel of the protected area are responsible for raising a report whenever they witness the practice of facts provided for in paragraph 1 of article 46.
2. The report must contain a detailed description of the facts and circumstances of the offense, identify the date of the offense, the offender, witnesses and other information deemed relevant.
3. The report is made in triplicate, one copy for the taxpayer, another for the offender and another for the Government member responsible for the protected areas.
4. After receiving the report, the member of the Government responsible for the protected areas notifies the offender to give a written opinion within a maximum period of 20 working days.
5. Within the period of 20 days referred to in the preceding paragraph, the member of the Government responsible for the protected areas may, reasonably, appoint a qualified employee of the service to carry out further investigations on the violation.
6. After hearing the infringer and the assessing officer and analyzing the information received under the terms of the previous number, if applicable, the member of the Government responsible for protected areas decides, reasonably, on the sanctions to be applied to the infringer, under the terms provided for in the present diploma and in the Basic Law of the Environment.
7. The decision can be appealed to the courts, under the general terms of the law.

CHAPTER IX
FINAL AND TRANSITIONAL PROVISIONS

Article 50
National plan

1. The national plan for the creation of the NSPA must be approved within a maximum period of 5 years from the entry into force of this Decree-Law.
2. Without prejudice to the provisions of the previous number, the areas identified in Annex I to this Decree-Law are automatically classified as protected areas integrating the NSPA.

Article 51
General guidelines

The member of the Government responsible for protected areas must, within a maximum period of 1 year from the date of entry into force of this law, give general guidelines for:

- a) The preparation of management plans and joint management agreements for the areas classified in Annex I and for which their preparation is justified;

- b) That the areas classified in Annex I be delimited and signaled, under the terms provided for in article 17;
- c) To identify and nominate the Heads and the members of the Management Committee for the areas classified in Annex I.

Article 52
Guard of protected areas

As long as it is not defined by a specific legal diploma, the special career regime for guarding protected areas remains subject to the provisions of article 40 of this Decree-Law.

Article 53
Amendment

Article 98 of Decree-Law No. 6/2004, of 21 April, is replaced by the following:

“Article 98

Classification of marine parks

The classification of national marine parks that are part of the national protected area system is made in accordance with the legislation in force.”

Article 54
Repeal

UNTAET Regulation No. 2000/19 on protected zones is repealed.

Article 55
Entry into force

This legal diploma enters into force on the day following its publication.

Approved by the Council of Ministers on February 3, 2016

The Prime Minister,

Dr. Rui Maria de Araújo

The Minister of Agriculture and Fisheries,

Estanislau Aleixo da Silva

Enacted on March 8, 2016

Be it published,

The President of the Republic,

Taur Matan Ruak

ANNEX I

PROTECTED AREAS

No.	Protected Area	Municipality	Administrative Post	Sucos/Villages	Estimated Area (Ha)
1.	Parque Nacional Nino Konis Santana	Lautém	Tutuala	Tutuala	123,600
				Mehara	
			Lospalos	Muapitino	
				Lore I	
			Lautém/Moro	Bauro	
				Com	
2.	Monte Legumau	Lautém	Luro	Vairoke	35,967
				Afabubo	
				Baricafa	
		Baucau	Laga	Atelari	
			Baguia	Uakala	
3.	Lagao Maurei	Lautém	Iliomar	Tirilolo	500
		Viqueque	Uato Carbau	Irabin de Baixo	
4.	Be Matan Irabere	Viqueque	Uato Carbau	Bahatata	
				Irabin de Baixo	
				Irabin de Xima	
5.	Monte Matebian	Baucau	Quelicaí	Lai Sorulai	24,000
				Uaitame	
				Afaca	
				Nama Nei	
				Guruca	
			Laga	Sagadati	
				Atelari	
			Baguia	Alawa Leten	
				Lavateri	
				Alawa Kraik	
				Defa Uassi	
				Osso-Huna	
				Afaloicaí	
				Samalari	
				Haeconi	
		Viqueque	Uato Lari	Babulo	
				Afaloicaí	
			Uato Carbau	Afaloicaí	
				Uani Uma	
6.	Monte Mundo Perdido	Viqueque	Ossu	Osso de Cima	25,000
				Loihuno	
				Liaruca	
				Builale	
7.	Monte Laretame	Viqueque	Ossu	Uaguia	16,429
		Baucau	Venilale	Ua Bubu	
				Waioli	
				Watu-Hako	
				Loihuno	
8.	Monte Builo	Viqueque	Ossu	Uaguia	8,000
				Ossu Rua	
			Uato Lari	Matahoi	

No.	Protected Area	Municipality	Administrative Post	Sucos/Villages	Estimated Area (Ha)
9.	Monte Burabo'o	Viqueque	Uato Carbau	Afaloical Uani Uma	18,500
10.	Monte Aitana	Viqueque	Lacluta	Irabin de Baixo Ahik Lalini	17,000
11.	Monte Bibileo	Manatuto Viqueque	Laleia Lacluta	Cairui Bibileo Dilor	19,000
12.	Monte Diatuto	Manatuto	Soibada Laclubar	Fatu Mekerek Samoro Funar Fatu Mekerek Mane Lima	15,000
13.	Monte Kuri	Manatuto	Laclo	Uma Kaduak	
14.	Parque Nacional Kay Rala Xanana Gusmão	Manufahi Ainaro	Same Ainaro	Holarua Letefoho Rotutu Maucica Soru Kraik Leolima	18,000
15.	Ribeira de Clere	Manufahi	Fatuberliu	Uma Berloik Dotik Caicasa	30,000
16.	Lagoa Modomahut	Manufahi	Fatuberliu	Fatukahi	22
17.	Lagoa Welenas	Manufahi	Fatuberliu	Fatukahi	20
18.	Monte Manucoco	Dili	Atauro	Makili Vila Manumeta Makadabe Beloi	4,000
19.	Cristo Rei	Dili	Cristo Rei	Hera Camea Metiaut	1,558
20.	Lagoa Tasitolo	Dili	Dom Aleixo	Comoro	
21.	Monte Fatumasin	Liquiça	Bazartete	Metagou Loerema Fatumasin	4,000
22.	Monte Guguleur	Liquiça	Maubara	Lisadila Maubarlisa Guguleur	13,159
23.	Lagoa Maubara	Liquiça	Maubara	Vatuvou	
24.	Monte Tatamailau	Ainaro Ermera	Hatobulico Ainaro Letefoho Atsabe	Nunomogue Manutasi Bobo Leten Katrai Kraik Malabe	20,000
25.	Monte Talobu/Laumeta		Ainaro		15,000
26.	Monte Loelako	Bobonaro Ermera	Bobonaro Maliana Cailaco Atsabe	Kilatlau Ritabou Odomau Raiheu Atudara Manapa Goulolo Bobo Leten Paramin	4,700

No.	Protected Area	Municipality	Administrative Post	Sucos/Villages	Estimated Area (Ha)
27.	Monte Tapo/Saburi	Bobonaro	Lolotoe	Gildapil	5,000
				Lontas	
				Oeleu	
				Tapo	
			Bobonaro	Leber	
			Maliana	Saburai	
				Odomau	
28.	Lagoa Be Male	Bobonaro	Balibo	Sanirin	
				Leolima	
				Aidabaleten	
29.	Korluli	Bobonaro	Maliana	Ritabou	
				Tapo/Memo	
			Cailaco	Manapa	
30.	Monte Lakus/Sabi	Bobonaro	Lolotoe	Lontas	
				Gildapil	
				Leber	
			Lolotoe	Guda	
				Lupal	
				Opa	
				Deudet	
31.	Monte Taroman	Covalima	Fatululik	Taroman	19,155
				Fatululik/Bedasi	
			Fohorem	Dato Rua	
				Dato Tolu	
				Laklos	
32.	Reserva Tilomar	Covalima	Tilomar	Maudemo	7,000
				Lalawa	
				Kasabauk	
				Beseuk	
33.	Cutete	Oecusse	Pante Makassar	Costa	13,300
				Nipane	
				Bobokase	
				Cunha	
				Lalisu	
34.	Monte Manoleu	Oecusse	Nitibe	Usitaco	20,000
35.	Area Mangal Citrana	Oecusse	Nitibe	Bene Ufe	1,000
36.	Oebatan	Oecusse	Nitibe	Suni Ufe	400
37.	Ek Oni	Oecusse	Nitibe	Lela-Ufe, Bana Afi	700
38.	Us Metan	Oecusse	Pantai Makassar	Taiboko	200
39.	Makfahik	Manatuto	Barique	Manehat	
40.	Area Mangal Metinaro	Dili		Metinaro	
41.	Area Mangal Hera	Dili	Cristo Rei	Hera	
42.	Lagoa Hasan Foun & Onu Bot	Covalima	Tilomar	Maudemu	12
				Lalawa	
				Beiseuk	
43.	Lagoa Bikan Tidi	Ainaro	Leolima		110
44.	Samik Saron	Manatuto	Barique	Barique	
			Soibada Laclubar	Cribas	
				Orlalan	
				Manlala	
MARINE PROTECTED AREAS					
No.	Protected Area	Municipality	Administrative Post	Sucos/Villages	Estimated Area (Ha)
45.	Aquatic Natural Reserve	Bobonaro	Balibó	Batugadé	112.59
46.	Aquatic Natural Reserve	Dili	Atauro	Suco da Vila	50.85