

# Newsletter



## Briefing

### ***Moving Forward Together***



Rui Botica Santos, *Founding Partner*

As nationalism grew in Europe and America, we have seen disputes impacting worldwide, such as the Brexit, the fierce and polarized elections in France and Germany, the attempt of independence of Cataluña and the tension between United States and North Korea.

In the same line, while the refugee's crisis dramatically continued to cause impacts, terrorism made more victims in different attacks, from different groups, in Manchester, London, New York, Barcelona and Afghanistan and Somalia, where the worst terrorist attack since 9/11 took place. Furthermore, the complex and spread conflicts in the Middle-East seem far to have an end, with the recent dispute on the declaration of Jerusalem as capital of Israel and the rough battle against the ISIS that devastated and is devastating cities like Mosul, in Iraq, and Raqqa, in Syria, which was already destroyed by the ongoing civil war in the country.

In Timor, fortunately the economic and political disruption and armed conflicts are in a distant past, away from 2017. The mentioned examples remind us how lucky the country is and all the progress that has been made and the stability that has been achieved since Independence. But most important, this remind us to do not let the radicalism tear the nation apart and bring dark days again. Conflicts and tensions must continue to be solved by democratic measures, under the rule of law, and it is our responsibility as citizens to keep the country on the good path, starting with ourselves. We shall not overreact on opinions and ideological positions different than ours, but listen with otherness, try to understand, and only then express our disagreement or disapproval, if necessary, in a rational way, looking for constructive solutions. And sometimes, after truly listen, we may end up changing our minds.

Let us take this moment of reflection and renovation of the New Year in order to find balance in our acts and give a chance to open dialogue and mutual understanding, adding instead dividing.

On behalf of CRA Timor, I would like to thank all of our friends for their support throughout the year and wish them happy holidays and a fantastic 2018!

Rui Botica Santos, *Founding Partner*

## **LEX - Global Overview on the New Regulations**

**Decree-Law No. 35/2017**, from 8 May, regarding the Organic Structure of the IV Constitutional Government of the Democratic Republic of Timor-Leste.

## Analysis – Do you know that...?

**The New Timorese Law of the Lands**, Law 13/2017 of 5 June, which establishes the Special Regime for the Ownership Definition of Property, represents a fundamental step in the process of regularization of property ownership in Timor-Leste.

This new law relies on **three main purposes**:

- The clarification of the legal status of property;
- The promotion of land distribution;
- The access to land.

**The legal status of property** is clarified through the recognition of previously formalized rights, as well as through the creation of the legal figure of informal property rights – rights to real property, customary and arising from long-term tenure that have the essential characteristics of the right of ownership – with a view to redressing the injustices practiced before Timor-Leste's independence, due to the lack of formalization of rights.

The recognition of this informal right allows those who have not previously obtained documents regarding their property rights, can now invoke them through their registration. The right is granted only to Timorese nationals or Timorese legal entities exclusively constituted by Timorese nationals or whose capital is entirely and exclusively owned by nationals, as well as to local communities and non-profit legal entities.

**The distribution and access** to the land are accomplished through:

- The creation of the National Land Registry, a land registration system containing the official information on the legal status of real estate, collected through the cadastral survey process, which will allow the formation of a safe and transparent real estate market;
- The clarification of the assets belonging to the domain of the State, enabling it to carry out a better management of its assets.

In addition, to solve the disputes that may arise, the law establishes a dispute settlement mechanism which shall apply to those cases where there is more than one valid claimant for the same property. In such cases, the **Land and Property Commission** shall decide, according to the criteria provided for in the law, on the recognition and allocation of the first property rights, as well as on the compensation to the party whom the property right is not recognized.

**CRA Timor** has an extensive experience on real state and property matters. Our team of experts in real estate and notarial law is able to advise nationals, legal entities and public bodies with all related questions that may arise on the subject, representing clients before the National Directorate of Lands, Properties and Registry Services of the Ministry of Justice (DNTPSC) and the Land and Property Commission.

## Speed Notes

The Council of Ministers met on November 22 and December 6, 2017, in the Government Palace, in Dili, and approved the second amendment to the Statutes of the Higher Education Teaching Career, the payment of the first four months of Social Security contribution to Civil servants, the new Council of Ministers Statutes, the new Regime for the Promotion of Civil Service Personnel and the amendment of the Budget and Financial Management Law.

The Prime Minister and the Minister of Development and Institutional Reform, H.E. Dr. Mari Alkatiri attended the Asia Pacific Regional Conference, in Perth, Western Australia, on November 2-4, and presented to international investors the opportunities in Timor-Leste in the sectors of oil & gas, tourism and agriculture.

Delegations from Timor-Leste and Australia met with the Conciliation Commission and the Greater Sunrise Joint Venture in Singapore, from 18 to 20 November, to continue discussions about the maritime boundary treaty and the development concept for Greater Sunrise.

On November 22, the Ministry of Education and Culture promoted the international seminar "Raising the quality of higher education as a key factor to increase the employability of graduates", held at the Ministry of Planning and Finance building, in Dili, with the participation of national and foreign university professors and businessmen.

On November 27 and 28, Timorese filled the streets to celebrate the Proclamation of Independence Day of the Democratic Republic of Timor-Leste, especially in the Municipality of Suai, where the annual ceremony took place.

*Source: Government of Timor-Leste*

## Who's Who *In this column we pay tribute to relevant figures of Timor Leste Society (cultural, political, legal, sports, social, business, etc).*



### Eng. Arcanjo da Silva

The Executive Director of Timor-Leste's Investment and Export Promotion Agency (TradelInvest), Eng. Arcanjo da Silva plays a key role in the economy and development of the country.

Having studied abroad at the Queensland University of Technology (QUT), in Australia, and the Hassanuddin University (UNHAS), in Indonesia, Eng. Arcanjo is undoubtedly an experienced professional with great vision and unique entrepreneur spirit.

Since the commencement of his activities in the head of TradelInvest, Eng. Arcanjo has strongly encouraged the development of economic infrastructure and promoted reforms to improve the business environment and attract foreign investments to Timor-Leste.

We are truly honored and grateful to have TradelInvest as a Client and Eng. Arcanjo as a friend, whose excellent job is making Timor-Leste a better place to invest, do business and live.

CRA Timor congratulates Eng. Arcanjo in his mission and wishes him all the success!

# The Employee(s) in Focus

## Dr.<sup>a</sup> Leonor Sande e Silva

Leonor, our Managing Director, is not just one of our leaders at the front, but also one of our most experienced Lawyers.

She joined the Firm two years ago and since then is responsible for the Corporate and Public Law and Litigation sectors.

Before CRA Timor, Leonor was a Lawyer in a large firm in Lisbon, Portugal, her hometown and the place where she graduated and performed her post-graduation studies, at the prestigious University of Lisbon.

We are very proud to have such a bright professional with us. More than this, we are deeply grateful for her hard and excellent work.

Thank you Leonor! We wish you even more success!



## Confidential

CRA Timor will be advising one of the world's largest multinational corporations, which is establishing business in Timor-Leste in the sector of food services and facilities management.

## Calendar

- Hong Kong and Macao SME Commodities Trade Exhibition 2017, 23-25 Dec 2017, at Macau Fisherman's Wharf Convention and Exhibition Centre, in Macau, China;
- Asian Licensing Conference, 8-9 Jan 2018, at Hong Kong Convention and Exhibition Centre, Hong Kong, China;
- Asian Financial Forum, 15-16 Jan 2018, at Hong Kong Convention and Exhibition Centre, Hong Kong, China;
- 37th Wedding, Banquet, Beauty & Jewellery Expo, 26-28 Jan 2018, at The Venetian Macao, Convention and Exhibition Center, in Macau, China.

*CRA Timor, through our office in Macau, will attend this important conferences and exhibition, as a platform for business in Asia.*

## INTA's Dialogues on Trademark Law



On November 30–December 1, the International Trademark Association – INTA promoted in Díli the first international event on trademarks of Timor-Leste's history.

The event's purpose was to stimulate government and industry dialogues in order to create a legal framework for trademarks protection in Timor-Leste, since the country does not have any law on the subject, relying solely in a system of cautionary notice publications.

CRA Timor was invited speak and was well represented by our Managing Director Leonor Sande e Silva, who discussed and reviewed with other lawyers and professionals the current system of cautionary notice publications and how trademarks protection works in other jurisdictions.

Alongside of our experts in Lisbon, CRA Timor provides full advice in intellectual property protection and will be helping INTA and Timor-Leste officials to draft a law on trademarks and other IP rights enforcement to improve the business environment in the country.



Our Managing Associate Duarte Carneiro, attended the 2nd Timor-Leste International Investment Conference, held at Timor Plaza, Díli, on 13–16 November 2017.

The event was promoted by TradelInvest and received around 90 participants among representatives of international companies, local companies and public institutions, assembled to discuss solutions in providing better doing business experience for the private sector and attract more private investment to the country.

Several speakers, including the Prime Minister and the Minister of Development and Institutional Reform, H.E. Dr. Mari Alkatiri and the Minister of State and Counselor for National Security, H.E. Dr. Jose Ramos Horta, besides other government officials, spoke to an avid audience.

The private sector and the investors were well represented by Nova Casa Fresca, Fortuna Plaza and Heineken, who displayed their services and products.



## ***CRA Portugal and the Program “Excellence Awards Companies of the Alentejo”***

CRA Portugal supported the fifth edition of the “Excellence Awards - Companies of the Alentejo”, organized by Casa De España.

The event, held on November 15, in Évora, Portugal, awarded the best companies in the region of Alentejo, south of Portugal, well known by agriculture and wine production. The firm was represented by our Partner José Carlos Gomes da Silva and our Senior Associate Dania Seguin.

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