

DECREE-LAW No. 6/2020
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LEGAL FRAMEWORK FOR THE
PROTECTION AND CONSERVATION OF BIODIVERSITY

Timor-Leste is a nation endowed with vast biodiversity, hosting a number of ecosystems of global importance and endemic species. Positioned in one of the regions with the greatest biodiversity in the world, our country hosts a countless number of species of fauna and flora not only in the land territory, but also in maritime areas under national jurisdiction.

The national biodiversity is, however, under considerable pressure from several factors, such as overexploitation and unsustainable use of resources, fragmentation and losses caused by deforestation, unsustainable agricultural practices, increased pollution, the introduction of invasive alien species, and climate change. A set of situations that, in combination, have contributed to the progressive degradation of ecosystems and loss of biodiversity.

Reversing this trend and creating the mechanisms for the maintenance of biodiversity in Timor-Leste is a fundamental task of the State, and assumes an essential role not only for the preservation of ecosystems, but also for the sustainable development of many sectors, including agriculture and tourism, two areas whose development is a priority.

The conservation of biodiversity and the sustainable use of its components are the fundamental bases for ensuring that ecosystems continue to provide our people with the environmental services necessary for their survival, such as the supply of fresh water and food, the sequestration of greenhouse gases, the prevention of soil erosion, among others. In addition to this, we must also emphasize the important connection that our people traditionally have with natural resources and the role they play in their survival and in the maintenance of our island culture.

In this way, the definition of a legal framework for the protection of biodiversity is a priority for the Government, which aims to fulfill the obligations arising from the Convention on Biological Diversity, ratified in 2006, and simultaneously take one more step in the construction of an environmental legal system in Timor-Leste, as foreseen in the National Biodiversity Strategy and Action Plan.

From an institutional point of view, the present diploma promotes the integration of biodiversity considerations in the different sectoral policies, defines the responsibilities of each of the government actors and simultaneously requires the active participation of all sectors of society in the protection of biodiversity and the sustainable use of its components, within a participative, collaborative and consultative framework.

The guidelines for the planning and monitoring of biodiversity protection instruments are defined, as well as for the protection, rehabilitation and ex situ restoration of ecosystems, and the legal framework for the protection of species and habitats is also determined.

The present diploma thus defines the legal framework for the protection and conservation of biodiversity, completing the provisions of the National System of Protected Areas, approved by Decree-law no. 5/2016 of 16 March and implementing the Environment Framework Law, approved by Decree-law no. 26/2012 of 4 July, in the part in which it expressly commits the State to adopting the necessary measures for the protection and conservation of species, habitats and ecosystems.

Thus, the Government decrees the following, under the terms of paragraph o) of no. 1 of article 115 and paragraph d) of article 116 of the Constitution of the Republic and paragraph 2 of article 28 of Decree-Law no. 26/2012, of the 4th of July, to be valid as law:

CHAPTER I GENERAL PROVISIONS

Article 1 Definitions

In addition to the definitions contained in the Basic Law on the Environment and in the National System of Protected Areas, for the purposes of interpretation and application of this decree-law, the following definitions shall be adopted:

- a) Access to genetic resources: the acquisition and use of biological or other material containing genetic material and derivatives of genetic material from in situ and ex situ conditions, and any associated traditional knowledge, for the purposes of academics and applied research, conservation, or commercial use, among other applications;
- b) Risk assessment: includes the potential direct and indirect risk, short, medium and long term, to human health, the environment and biodiversity, of an activity, process or action, estimating the probability of the risk occurring and the damage that would be caused if the risk occurred;
- c) Components of biodiversity: ecosystems and habitats, species and genes;
- d) Ex situ conservation: the conservation of biodiversity components outside their natural habitats;
- e) In situ conservation means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their specific properties
- f) Biological diversity or biodiversity: Variability among organisms from all sources, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems
- g) Species means a group of living beings linked by similar ties of descent and capable of interbreeding under natural conditions and producing fertile offspring, including subspecies, varieties and forms as well as any part of the species capable of survival and reproduction;
- h) Threatened species: species facing an extremely high, very high or high risk of extinction in the wild and therefore classified respectively, for international purposes, as critically endangered, endangered or vulnerable;
- i) Alien species: non-indigenous species of fauna and flora that occur in a certain territory that does not correspond to their natural range;
- j) Specimen: any living or dead animal or plant;
- k) Favorable conservation status:
 - i. The species maintains itself in the long term as a viable component of its ecosystem;
 - ii. The species' distribution is not currently being reduced, nor is it likely to be reduced, in the long term;

- iii. There is, and will be in the near future, sufficient habitat to maintain the species' population in the long term; or
- iv. The distribution and abundance of the species is substantially similar to the coverage of historical levels to the extent that potentially suitable ecosystems exist and are consistent with sustainable wildlife management.
- l) Genetically modified organism: any biological entity capable of replication or of transferring genetic material that possesses a novel combination of genetic material that does not occur through natural recombination and including living and non-living modified organisms;
- m) Wildlife: species of plants and animals that exist in ecosystems and natural habitats without human influence, or with only limited influence, on their existence and reproduction.

Article 2

Object

The present diploma establishes the legal regime applicable to the conservation of biodiversity and the sustainable use of its components.

Article 3

Scope

1. This statute is applicable to biodiversity existing in the national territory and in waters under national jurisdiction, namely the territorial sea, exclusive economic zone and continental shelf.
2. The present diploma applies to all processes and activities carried out under the jurisdiction and control of Timor-Leste with direct or indirect effects on biodiversity, regardless of where their effects manifest themselves.

Article 4

Objective

The objective of the present diploma is to promote the conservation of biodiversity and the sustainable use of its components and the fair and equitable sharing of benefits generated from genetic resources, as fundamental bases for family subsistence, food security and for the well-being and health of current and future generations.

Article 5

Principles

1. In addition to the general and specific principles provided for in the Basic Law on the Environment and in the National System of Protected Areas, the conservation of biodiversity and the sustainable use of its components must observe the following principles:
 - a) Principle of intrinsic value: according to which all forms of life have their own intrinsic value, independent of actual or potential economic value, personal, social, cultural and aesthetic value;
 - b) Principle of equity: according to which the costs and benefits arising from the conservation of biodiversity and the sustainable use of its components must be shared among all stakeholders in an equitable and fair manner, under the terms set forth in the present diploma;
 - c) Principle of the ecosystem approach: according to which, the strategy for the integrated, long-term management of terrestrial, aquatic, coastal and marine resources, wetlands and their environmental components places human needs at the center of biodiversity management and promotes the conservation and sustainable use of resources in an equitable manner;

- d) Principle of knowledge-based decision making: according to which, the best available information, scientific and technical knowledge and, in appropriate circumstances, traditional knowledge, should be used as the basis for making decisions affecting biodiversity and its components.
2. Guidelines for the application of the principles listed in the previous number shall be developed and approved by a ministerial statute of the member of the government responsible for the environment, without prejudice to the use of internationally accepted guidelines.

Article 6

Duty of consultation

1. The government entity responsible for the conservation of nature and biodiversity and the government entity responsible for the environment shall promote consultations with different State institutions at the central and local levels, whenever necessary for the implementation of this law and for informed decision making that takes into consideration all relevant sectoral aspects for the conservation of biodiversity and sustainable use of its components.
2. Whenever a decision is to be made whose consequences directly or indirectly affect a specific administrative district, the consultation provided for in this article must, obligatorily, involve the municipalities and the unconnected governmental entities that exist therein.
3. Without prejudice to the provisions of the previous numbers, it is also mandatory to hold public consultations with civil society, universities, research centers, the private sector and local communities.
4. Public consultation organized within the scope of this article must obey the following rules:
 - a) The relevant information must be made available to the public with sufficient minimum notice or posted in a public place that is easily accessible to the general population;
 - b) The information must contain sufficient detail and data to enable the population to understand the scope and consequences that may be involved;
 - c) A reasonable period of reflection and time must be given for the submission of oral or written comments.
5. The information and contributions arising from the consultation process must be given due consideration before a decision is made and made public.

Article 7

Participation in implementation

1. The participation of municipalities, the private sector, non-governmental organizations, communities, and other public or private entities in the conservation of biodiversity and the sustainable use of its components must be promoted whenever appropriate for the implementation of the provisions of this statute.
2. Participation may be carried out by means of partnerships, agreements, management and concession contracts, or any other legally admissible contractual instrument.

Article 8
Tara bandu¹

1. The State shall support and promote *Tara bandu* or any other traditional practice, under the terms provided for in the Basic Law on the Environment, which is intended to ensure the conservation of biodiversity and the sustainable use of its components.
2. The government entity responsible for nature conservation and biodiversity and the government entity responsible for the environment shall encourage research into local traditional knowledge and practice that is intended to promote the conservation of biodiversity and the sustainable use of its components.

CHAPTER II
RESPONSIBLE ENTITIES

SECTION I
DIRECT ADMINISTRATION OF THE STATE

Article 9
Government entity responsible for the environment

In the implementation of the present diploma, it is the responsibility of the government entity responsible for the environment to:

- a) Formulate and review strategies, plans, policies and programs that support the conservation and restoration of biodiversity and the sustainable use of its components;
- b) Serve as the national focal point for the purposes of the Convention on Biological Diversity;
- c) Coordinate the development, monitoring and review of the National Biodiversity Strategy, its Action Plan and associated national programs, and to oversee their implementation, in coordination with stakeholders;
- d) Prepare, in conjunction with the government entity responsible for nature conservation and biodiversity, regular reports on the state of biodiversity and its components, to be submitted to the Council of Ministers and made available to the public;
- e) Establish a Biodiversity Advisory Committee and define its composition and operating procedures;
- f) Promote and stimulate public awareness, education and training on the conservation of biodiversity and sustainable use of its components;
- g) Promote cooperation and consultations with public and private sector stakeholders, including universities, to ensure that biodiversity conservation and the sustainable use of its components are considered in all sectors;
- h) Promote compliance with and implementation in the internal legal system of the provisions of international law contained in ratified international conventions and rules of customary law related to the conservation of biodiversity and the sustainable use of its components, without prejudice to the powers of the government entity responsible for foreign affairs;

¹ Tara bandu – traditional law practice.

- i) Regulate access to genetic resources and associated traditional knowledge, as well as the fair and equitable sharing of benefits arising from their use, in accordance with international agreements to which Timor-Leste is a party
- j) Ensure that potential impacts on biodiversity and its components are considered in environmental impact assessment processes;
- k) Encourage and support public consultation and participation in the taking of decisions with impact on the conservation of biodiversity and the sustainable use of its components;
- l) Recognize, support and promote the role and use of traditional culture, knowledge and practices of local communities in the conservation of biodiversity and the sustainable use of its components;
- m) Ensure the coordination and promote consultations with the local administration services of the State and with the Sucos whenever the development of legislation, programs, plans or projects with impact on biodiversity and its components, in the respective administrative districts or bordering districts, is at stake;
- n) Prepare the report referred to in article 24;
- o) Promote the implementation of the present diploma in coordination with the government entity responsible for the conservation of nature and biodiversity;
- p) Promote the development of research on the economic valuation of biodiversity and its components, without prejudice to the powers of the government entity responsible for the conservation of nature and biodiversity;
- q) Exercise any other powers that may be conferred to it by law.

Article 10

Government entity responsible for the conservation of nature and biodiversity

In implementing the present diploma, it is the responsibility of the government entity responsible for nature conservation and biodiversity to:

- a) Identify the biological resources that are important for the conservation of biodiversity and monitor their conservation status;
- b) Establish and keep up-to-date an inventory, with data and information on biodiversity and its components, ensuring its dissemination to the public, namely through the intermediation mechanism, under the Convention on Biological Diversity;
- c) Coordinate and execute programs and activities aimed at promoting the sustainable use, conservation, protection, restoration and rehabilitation of ecosystems, habitats and species outside the national system of protected areas
- d) Coordinate and execute programs and activities aimed at responding to threats to biodiversity conservation and sustainable use of its components, including the implementation of a licensing system for trade in protected species and to control invasive alien species;
- e) Provide access to technical advice, share information and provide support to public and private sector stakeholders on issues related to the conservation of biodiversity and sustainable use of its components;

- f) Recognize, support and promote the role and use of traditional culture, knowledge and practices of local communities in the conservation of biodiversity and the sustainable use of its components;
- g) Prepare, in conjunction with the government entity responsible for the environment, regular reports on the status of biodiversity and its components, to be submitted to the Council of Ministers and made available to the public;
- h) Define and approve, in coordination with the relevant ministerial lines, a mechanism for monitoring the state of conservation of environmental components and the processes and activities that may have a negative impact on them
- i) Ensure coordination and promote consultations with the local government services of the State and with the Sucos whenever the development of legislation, programs, plans or projects with impact on biodiversity and its components, in the respective administrative districts or bordering districts, is in question
- j) Monitor and take the necessary measures to control trade in protected species;
- k) Promote the implementation of this diploma in coordination with the government entity responsible for the environment;
- l) Develop, in coordination with the government entity responsible for the environment and for finance, methods for evaluating the value of biodiversity and biological resources and their integration into national accounts;
- m) Exercise any other powers that may be conferred to it by law.

Article 11

Central public entities

It is incumbent upon the other public entities that, in the exercise of their attributions and competences, develop sectorial legislation, programs, plans or projects with impact on biodiversity and its components, especially in the areas of energy, infrastructure, economic development, agriculture, fisheries, livestock, tourism, natural resources and land use planning to:

- a) Promote the conservation of biodiversity and sustainable use of its components;
- b) Pursue the objectives set forth in this diploma and promote the application of its principles;
- c) Cooperate and coordinate with the government entities responsible for the environment and for nature conservation and biodiversity, in order to ensure that the conservation of biodiversity and the sustainable use of its components are considered as a transversal concern in the preparation of the respective sectoral policies, plans or programs and integrated in the decision-making process;
- d) Report to the government entities responsible for the environment and for the conservation of nature and biodiversity the suspicion or existence of activities, actions or omissions that constitute a threat, may degrade, harm or in any way be harmful to biodiversity or its components and that constitute a violation of the law
- e) Periodically send to the government entity responsible for nature conservation and biodiversity and the government entity responsible for the environment, information, data or studies that may directly or indirectly relate to or have an impact on the conservation of biodiversity and the sustainable use of its components;

- f) Exercise the other competencies that are attributed to it by law.

Article 12

Local administration of the State

The local administration of the State, within the scope of its administrative area, is responsible for:

- a) Pursuing the objectives foreseen in this diploma and promote the application of its principles;
- b) Identifying the needs and opportunities for the development of activities related to the conservation of biodiversity and the sustainable use of its components, in coordination with the central entities responsible for the environment, nature conservation and biodiversity;
- c) Contributing to the implementation of processes and activities that support the conservation of biodiversity and the sustainable use of its components;
- d) Participating in and actively promote consultation processes regarding decision-making on the conservation of biodiversity and the sustainable use of its components through its existing structures for this purpose;
- e) Monitoring implementation and keep the central entities responsible for the environment, nature conservation and biodiversity informed of the effectiveness of programs and activities undertaken that support the conservation of biodiversity and the sustainable use of its components
- f) Reporting to the government entities responsible for the environment and for nature conservation and biodiversity, the suspicion or existence of activities, actions or omissions that constitute a threat, may degrade, harm or in any way be harmful to biodiversity or its components and that constitute a violation of the law;
- g) Periodically sending to the government entity responsible for nature conservation and biodiversity and the government entity responsible for the environment, information, data or studies that may directly or indirectly relate to or have an impact on the conservation of biodiversity and the sustainable use of its components;
- h) Exercising the other powers that are attributed to it by law.

Article 13

Permanent Working Group

1. A permanent working group for biodiversity is hereby created, responsible for monitoring the implementation of the national strategy for biodiversity and the respective action plan and for monitoring any other issues related to biodiversity, under the terms foreseen in this statute.
2. The permanent working group is composed of officials from the government entity responsible for the environment and the government entity responsible for nature conservation and biodiversity appointed by the respective member of the Government.
3. The permanent working group is chaired on an annual rotational basis by the government entity responsible for the environment and the government entity responsible for the conservation of nature and biodiversity.

4. The other rules for the composition and functioning rules are approved by a joint ministerial diploma of the Government member responsible for the environment and the Government member responsible for nature conservation and biodiversity.

SECTION II

SUCOS

Article 14

Sucos

It is incumbent upon the *Sucos* within the scope of their administrative area

- a) Pursue the objectives foreseen in this diploma and promote the application of its principles;
- b) To identify the needs and opportunities for the development of activities related to the conservation of biodiversity and the sustainable use of its components, in coordination with the central entities responsible for the environment, nature conservation and biodiversity;
- c) To contribute to the implementation of processes and activities that support the conservation of biodiversity and the sustainable use of its components;
- d) To promote and support local communities in the development and implementation of plans, programs or agreements related to biodiversity;
- e) Protect and conserve biodiversity and the sustainable use of its components through the application of traditional and cultural conservation mechanisms related to biodiversity, including the application of Tara bandu;
- f) Facilitate traditional mechanisms for the resolution of disputes relating to the conservation of biodiversity and the sustainable use of its components, in cooperation with the relevant entities;
- g) Report to the government entity responsible for environment and nature conservation and biodiversity the suspicion or existence of activities, actions or omissions that constitute a threat, may degrade, harm or in any way be detrimental to biodiversity or its components or that constitute a violation of the law;
- h) Actively participate in and promote consultation processes regarding decision-making on the conservation of biodiversity and the sustainable use of its components, through its existing structures for this purpose;
- i) Exercise the other competencies that are attributed to it by law.

SECTION III

BIODIVERSITY ADVISORY COMMITTEE

Article 15

Biodiversity Advisory Committee

The Biodiversity Advisory Committee is hereby established as an independent and multidisciplinary advisory body to provide scientific and technical support and advice to the Government on issues related to the conservation of biodiversity and the sustainable use of its components.

Article 16

Composition

1. The Biodiversity Advisory Committee is composed of national and international experts and technicians appointed in a personal capacity, based on academic qualifications, experience and technical knowledge.
2. Experts of the Advisory Committee on Biodiversity may be civil servants or non-civil servants, provided that there is no incompatibility, in accordance with the law.
3. The Biodiversity Advisory Committee must include at least one expert with knowledge and experience in local traditional knowledge and two university experts.
4. The composition, functioning rules, financing and other norms necessary for the installation of the Advisory Committee for Biodiversity shall be approved by Decree of the Government, through a joint proposal by the members of the Government responsible for the area of environment, nature conservation and biodiversity.

Article 17

Competencies

1. It is incumbent upon the Biodiversity Advisory Committee to provide scientific and technical advice to the Government in the following areas:
 - a) Discussion of strategies, programs and techniques for the conservation of biodiversity and sustainable use of its components;
 - b) Determination of needs and priorities for biodiversity conservation;
 - c) Implementation or execution of any obligations arising from the law or international conventions to which Timor-Leste is a party;
 - d) Discussion of issues related to ecosystems and species for the purposes of the provision of in situ conservation, under the terms foreseen in the present statute;
 - e) Adoption of appropriate measures to confront and combat threats to biodiversity and its components, including exotic and invasive species, under the terms foreseen in the present diploma
 - f) Discussing issues related to biosafety and access to genetic resources and the fair and equitable sharing of benefits arising from their use, under the terms provided for in this diploma
 - g) Creating supra-municipal, municipal and local biodiversity plans;
 - h) Elaboration of the national list of protected species;
 - i) Preparation of the national list of exotic species;
 - j) Any other matter related to the protection of biodiversity that is placed before it by superior orientation.
2. The Advisory Committee for Biodiversity exercises its competencies through the elaboration of an opinion or report, ex officio or at the request of the Government.

**SECTION IV
NATURAL AND LEGAL PERSONS**

**Article 18
Duties of citizens**

1. All citizens have the duty to:
 - a) Pursue the objectives set forth in this diploma and promote the application of its principles;
 - b) Promote the conservation of biodiversity and the sustainable use of its components;
 - c) Participate in the public consultation processes that are directly or indirectly related to biodiversity, under the terms foreseen in this diploma;
 - d) Notify the government entity responsible for the environment and for the conservation of nature and biodiversity of the suspicion or existence of activities, actions or omissions that threaten, degrade, harm or in any way harm biodiversity or its components or that constitute a violation of the law.
2. The duties set out in this article extend to legal entities with the necessary adaptations.

**CHAPTER III
PLANNING AND MONITORING**

**SECTION I
PLANNING**

**Article 19
Integration**

1. National planning instruments must integrate, with a view to sustainability, considerations regarding the conservation of biodiversity and the sustainable use of its components.
2. National plans, sectoral policies and strategies with potential impact on biodiversity and its components, especially in the areas of energy, infrastructure, economic development, agriculture, tourism, natural resources and land use planning, must take into account the special needs of biodiversity conservation and the sustainable use of its components, under the terms of this law.

**Article 20
National Biodiversity Strategy and Action Plan**

1. The National Biodiversity Strategy and Biodiversity Action Plan are the general policy instruments aimed at promoting the conservation of biodiversity and the sustainable use of its components in Timor-Leste.
2. The elaboration of the national strategy and plan of action for biodiversity must be done in an integrated manner, with a view to:
 - a) Establish national priority guiding principles, strategies and targets for the conservation of biodiversity and sustainable use of its components in Timor-Leste;
 - b) Establish an integrated, coordinated and uniform approach aimed at the conservation of biodiversity and sustainable use of its components;

- c) Ensure that the proposed objectives and targets are in accordance with the general principles, norms and procedures foreseen in the law and in regularly ratified international conventions
 - d) Ensure coordination with international and regional entities with which there are cooperation projects in the area of biodiversity conservation and the sustainable use of its components.
3. It is the responsibility of the government entity responsible for the environment, in close coordination with the government entity responsible for the conservation of nature and biodiversity, to prepare the national strategy and action plan for biodiversity, with respect for the provisions of article 6.
 4. The national strategy and action plan shall be approved by resolution of the Government, on the proposal of the government entity responsible for the environment and may be altered at any time.
 5. The member of the government responsible for the environment and the member of the government responsible for nature conservation and biodiversity shall create.

Article 21

Supra-municipal, municipal or local biodiversity plans

1. Supra-municipal, municipal or local biodiversity plans may be developed, with the scope of application restricted to administrative districts, aimed at establishing measures, activities and mechanisms for the conservation of biodiversity and the sustainable use of its components.
2. The plans referred to in the previous number, are developed by the government entity responsible for nature conservation and biodiversity, or at the request of the local administration of the State or the Suco, with respect for the provisions of Article 6.
3. The guiding norms for the elaboration of the plans are defined by ministerial diploma of the member of the Government responsible for the environment, after consultation with the government entity responsible for the conservation of nature and biodiversity and state administration.
4. The plans provided for in this article shall be prepared with respect for the provisions of the present law and other applicable environmental legislation, the national strategy and plan of action for biodiversity, the other relevant sectorial policies and the international conventions regularly ratified by East Timor.
5. The government entity responsible for the conservation of nature and biodiversity and the government entity responsible for the environment may, on its own initiative or upon request, provide technical and financial support for the implementation of the plans foreseen in this article.

SECTION II MONITORING

Article 22

Inventory

1. An inventory identifying the components of biodiversity important for its conservation and sustainable use must be created, kept up-to-date, and made available to the public through the intermediation mechanism.
2. The inventory referred to in the previous number must contain, as a minimum, the following information:

- a) The location and extent of ecosystems relevant for the conservation of biodiversity and sustainable use of its components;
- b) The range and distribution of species of importance for the conservation of biodiversity and the sustainable use of its components;
- c) The conservation status of the components of biodiversity;
- d) The components of biodiversity on which there is inadequate information or data;
- e) Processes or activities that may have a significant impact on the conservation of biodiversity and the sustainable use of its components.

Article 23

Monitoring

1. A periodic monitoring mechanism must be developed and implemented to follow the regular state of conservation of the components of biodiversity and the processes and activities that may have significant adverse impact on them.
2. The results of monitoring shall be kept public through the intermediation mechanism.

Article 24

Report

1. Every five years, a global report is prepared on the status of biodiversity in the country, giving an objective evaluation and clear indication of the state of conservation of the components of biodiversity.
2. The report, after being submitted to the Council of Ministers, is kept public through the intermediation mechanism.

CHAPTER IV

IN SITU CONSERVATION AND PROTECTION OF ECOSYSTEMS, HABITATS AND SPECIES

SECTION I

IN SITU CONSERVATION AND PROTECTION OF ECOSYSTEMS

Article 25

National system of protected areas

1. The national system of protected areas plays a fundamental role in the protection of ecosystems, critical habitats, endemic, threatened and migratory species and the conservation of biodiversity.
2. The national system of protected areas is defined by separate statute.

Article 26

Management of ecosystems outside the national system of protected areas

1. Specific measures shall be approved for the management of ecosystems that are outside the national system of protected areas, especially for the management of specific and priority ecosystems and for the rehabilitation of degraded ecosystems.
2. For the purposes of this article, the following ecosystems are considered special and priority ecosystems:

- a) Wetlands;
 - b) Estuaries;
 - c) Mangroves;
 - d) Coral and coral reefs;
 - e) Seagrasses;
 - f) Places considered sacred, namely the *fatin lulik*.²
3. Provisional and restrictive measures for activities to be carried out in the ecosystems identified in the previous number, which, under the terms of the precautionary principle, may have a negative impact and cause significant damage to them, may be approved by ministerial diploma of the member of the government responsible for the environment.

Article 27

Rehabilitation and restoration of damaged ecosystems

1. Damaged ecosystems that contain or constitute the habitat of a protected species, serve as an ecological corridor for the movement of species between habitats or are adjacent to a protected area merit special protection.
2. The rehabilitation and restoration of damaged ecosystems falls within the competence of the government entity responsible for the conservation of nature and biodiversity, without prejudice to the involvement of other public institutions, private institutions, non-governmental organizations, the Sucos and citizens in general.

Article 28

Support for conservation in areas outside the public domain of the State

1. Without prejudice to the provisions of the law regarding protected areas of private or community status, the government entity responsible for the conservation of nature and biodiversity may support and encourage, technically and financially, initiatives for the conservation of biodiversity and the use of its components in areas outside the public domain of the State.
2. Support is granted at the request of the respective owner or the community, represented according to local customs and usage, and may be granted if the targeted area is suitable for rehabilitation and restoration and alternatively
 - a) Constitute or contain natural habitat of a protected species;
 - b) Serves as an ecological corridor for the movement of species between habitats;
 - c) Is adjacent to a protected area.
3. It is obligatory to keep a record of all support granted under the terms of this article, as well as the regular monitoring of the area in question, under the terms to be defined in the agreement formalizing the support.

² Fatin Lulik – Sacred place.

SECTION II HABITATS AND SPECIES

Article 29 Protected species

1. Species of fauna and flora which, due to their endemic characteristics, genetic potential, medicinal, scientific, social or cultural value or which need special protection and conservation due to being nationally or internationally threatened or in the process of being nationally threatened are identified on a national list of protected species.
2. The national list prepared by the member of the government responsible for nature conservation and biodiversity, after consultation with the government entity responsible for the environment, the Advisory Committee for Biodiversity and relevant research institutions and taking into consideration the information available in the report referred to in article 24.
3. The national list of protected species is approved by Resolution of the Government.
4. The elimination of a species from the national list of protected species may only be made if its conservation status scientifically proven at the national and international level so permits and after consultation with the entities foreseen in the previous number.
5. Any natural or legal person may submit to the government entity responsible for nature conservation and biodiversity, a request for the inclusion or removal of a species from the national list of protected species.

Article 30 Protection and conservation of protected species

1. In view of the need to protect and conserve protected species, the government entity responsible for nature conservation and biodiversity shall identify and implement immediate conservation and protection actions that are necessary.
2. It shall be strictly prohibited to:
 - a) Hunting, fishing, killing, trapping, harvesting, uprooting, cutting, destroying or removing all or part of protected species;
 - b) Disturb protected species during the time of gestation, rearing of young, migration and hibernation, including the degradation in any way of the breeding and resting area.
3. The provisions of the preceding paragraph shall not prejudice the cutting, hunting or fishing of protected species for the purposes of family subsistence, without prejudice to the possibility of the member of the Government responsible for the conservation of nature and biodiversity, by ministerial decree, prohibiting temporarily or permanently the carrying out of such activities, if justified by the need for survival of the protected species.
4. Without prejudice to the provisions of the previous numbers, the government entity responsible for the conservation of nature and biodiversity may grant a license for the purposes of scientific research to carry out one or more of the activities provided for in paragraph 1, as long as such activities are not detrimental to the survival of the species in question.

Article 31
Trade in species

1. Trade in protected species is prohibited.
2. The prohibition provided for in the previous number includes the import, export, transport, sale, donation, detention, or possession in any manner whatsoever of protected species, species of protected species or parts of them, alive or dead, as well as the introduction from the sea of species captured in the marine environment outside of national jurisdiction.
3. The member of the government responsible for nature conservation and biodiversity, after consultation with the government entity responsible for the environment, shall approve by ministerial statute, the rules applicable to the trade of species not protected under the terms of national legislation, but protected under international agreements in force.

Article 32
Recovery of protected species

1. The government entity responsible for nature conservation and biodiversity shall prepare and implement recovery plans for protected species.
2. Recovery plans shall identify existing threats to protected species and critical habitat, conservation needs, in situ and ex situ measures to be adopted, as well as consider the provisions of protected area management plans, if applicable.
3. The rules and guidelines for the preparation of recovery plans are approved by a ministerial statute of the member of the Government responsible for nature conservation and biodiversity, with due regard for the provisions of this statute.
4. Recovery plans are approved by a ministerial statute from the member of the Government responsible for nature conservation and biodiversity.

Article 33
Management of non-protected species

1. The exploration and use of non-protected species is only permitted under the terms duly specified in the license.
2. The license is granted by the government entity responsible for the conservation of nature and biodiversity in such a way as to ensure that the terms of the exploration or use guarantee the maintenance of the favorable conservation status of the species and is subject to the procedure to be approved by Government Decree.
3. In order to ensure the sustainable use of non-protected species, the government entity responsible for nature conservation and biodiversity, after consultation with the government entity responsible for the environment and the local communities involved, may:
 - a) Draw up plans, policies and programs for the sustainable use and management of species whose conservation status is not favorable;
 - b) Temporarily restrict activities, projects or actions, use of equipment, materials or access to certain areas, as well as approve quotas or other measures deemed necessary to ensure the sustainable use of protected species.

Article 34**Preservation and conservation of habitats of protected species**

The preservation and conservation of critical habitat and habitats necessary to ensure that an organism or population of a species can survive and thrive is done within the framework of the national system of protected areas, without prejudice to the possibility that specific ex situ measures may be adopted.

Article 35**Ex situ conservation measures**

1. Species of fauna and flora must be kept in their natural habitat and only removed from it for ex situ conservation purposes when the government entity responsible for nature conservation and biodiversity certifies in writing that this does not compromise the viability of their wild population.
2. Without prejudice to the provisions of the previous number, public and private entities must promote the adoption of measures and equipment for ex situ conservation of biological biodiversity components, under the terms foreseen in this law.

Article 36**Ex situ conservation centers**

1. Ex situ conservation centers shall be created, aimed at prioritizing the conservation of protected species, promoting their recovery and rehabilitation and their reintroduction to their natural habitats, as well as encouraging the protection of species which, while not protected, are of special agricultural, scientific, economic, religious and cultural importance.
2. The Government shall support the creation and management of ex situ conservation centers, promote their tourist potential and encourage their use for purposes of environmental education and awareness.
3. For the purposes of this article, ex situ conservation centers shall include botanical gardens, herbaria, gene banks, zoos, and wildlife rescue centers, among others.
4. The creation of ex situ conservation centers is carried out by means of a Government Resolution.

CHAPTER V**THREATS TO BIODIVERSITY AND ITS COMPONENTS****SECTION I****EXOTIC SPECIES****Article 37****Exotic Species**

1. The alien species that constitute a threat to ecosystems, habitats or species are identified in a national list that contains discriminated form:
 - a) Identification of alien species that are invasive and whose import or movement within the country is prohibited;
 - b) Identification of alien species that are not invasive and whose importation or movement is regulated.

2. The national list is prepared by the member of the government responsible for nature conservation and biodiversity, after consultation with the government entity responsible for the environment, the Advisory Committee for Biodiversity, quarantine services and relevant research institutions, taking into consideration the information available in the report referred to in Article 24, as well as the provisions of the following article.
3. The national list of exotic species is approved by Resolution of the Government.
4. Any individual or corporate body may submit a request to the government entity responsible for the conservation of nature and biodiversity for the inclusion or removal of a species from the national list of exotic species.

Article 38

Management of exotic species

1. The control and eradication of alien species shall be carried out in a manner appropriate for the species concerned and its surrounding environment and be carried out with caution so as to cause the least possible damage to biodiversity, its components and the environment in general.
2. In order to achieve the provisions of the previous number, the government entity responsible for the conservation of nature and biodiversity must prepare and guarantee the implementation of a strategy for the management of exotic species which aims to guarantee their control and eradication and necessarily includes:
 - a) The identification and forecast of the implementation of measures for the prevention and eradication of invasive alien species;
 - b) The identification of the pathways by which alien species enter Timor-Leste and the respective methods for controlling and limiting the risk of their intentional introduction
 - c) The provision of incentives for the participation of families, local communities and especially women in the implementation of measures to control invasive alien species.
3. The strategy stipulated in the previous number may be included in the management plans of protected areas if justified or approved by ministerial diploma from the government entity responsible for the conservation of nature and biodiversity.

Article 39

Prohibited activities

1. It is forbidden to carry out the following activities:
 - a) To import, by any means, exotic species;
 - b) To detain, exercise physical control over or possess, in any way, physical control over an exotic species;
 - c) Breeding, reproducing or inciting any form of propagation of exotic species;
 - d) Transporting or relocating any exotic species;
 - e) Conducting any legal transaction, free of charge or for consideration, involving an alien species.
2. The government entity responsible for the conservation of nature and biodiversity may issue, on an exceptional basis, an authorization permitting any of the activities provided for in the previous number in relation to non-invasive alien species, provided that an assessment has been made of the

risk and potential impacts of the same, at the expense of the entity applying for the license, and without prejudice to the possibility of requiring the adoption of measures to protect the environment.

Article 40

Search

1. The government entity responsible for the conservation of nature and biodiversity shall promote the carrying out of periodic surveys, aimed at identifying
 - a) The exotic species existing in Timor-Leste and whose invasive properties are unknown;
 - b) Species native to Timor-Leste that are known to be invasive outside their natural range and whose internal movement must be controlled.
2. The data collected shall be used in the preparation of the national list of exotic species referred to in Article 37 and in the preparation of the management strategy referred to in Article 38.

SECTION II

GENETICALLY MODIFIED ORGANISMS AND OTHER THREATS

Article 41

Genetically modified organisms

1. The import, export, research, performance of experiments, use and release into the environment of genetically modified organisms, which as a result of biotechnology may have an adverse environmental impact, may affect the conservation of biodiversity and the sustainable use of its components and pose risks to human health, is subject to special legislation.
2. Without prejudice to the provisions of the preceding paragraph, scientific research into genetically modified organisms shall be subject to the provisions of Chapter VII.

Article 42

Other threats

1. Any existing or potential activities, processes or actions that pose a threat, have or may or may come to have an impact on the conservation of biodiversity and the sustainable use of its components must be identified, and effective measures to reduce and mitigate their impacts must be defined.
2. In view of the challenges arising from climate change and its negative effects on biodiversity, the government entity responsible for the environment must promote the adoption of mitigation and adaptation measures that promote the resilience of local communities, ecosystems and species.

CHAPTER VI

GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE

Article 43

Genetic resources

1. Access to genetic resources and their derivatives is subject to obtaining a prior license granted by the government entity responsible for nature conservation and biodiversity.
2. The license granted under the terms of the preceding number may only be granted if the following cumulative conditions are met:

- a) If the genetic resources are intended for a licit and environmentally sound purpose, under the terms provided for in the Convention on Biological Biodiversity;
 - b) If the government entity responsible for the conservation of nature and biodiversity considers that it has sufficient information to guarantee the prior and informed consent of the State;
 - c) If there is an agreement governing the fair and equitable sharing of monetary and non-monetary benefits arising from access to such resources.
3. Monetary and non-monetary benefits arising from access to genetic resources shall be shared in a fair, equitable and transparent manner.

Article 44

Traditional knowledge

1. The State shall recognize, respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities involving traditional lifestyles relevant to the conservation of biodiversity and the sustainable use of its components.
2. Traditional knowledge concerning genetic resources belongs to the communities that hold it.
3. Access to traditional knowledge associated with genetic resources is subject to the prior and informed consent of the community where such knowledge belongs, obtained in accordance with current customary law, which does not contradict the Constitution and the law, and to obtaining a prior license.
4. Monetary and non-monetary benefits arising from the value of traditional knowledge and practices associated with the utilization of genetic resources shall be shared in a fair, equitable and transparent manner.

CHAPTER VII

ENVIRONMENTAL ASSESSMENT

Article 45

Biodiversity Considerations in Environmental Assessment

1. The preparation of strategic environmental assessment, environmental impact study, initial environmental review, management plan or any other document that analyzes or evaluates the impacts of a given action on biodiversity, shall contain a specific description and evaluation of the adverse effects on the conservation of biodiversity and sustainable use of its components with a view to minimizing those effects taking into consideration at least:
 - a) The impact on natural ecosystems and the habitats of protected species and critical habitats;
 - b) The impact on protected areas or areas where Tara bandu actions have been carried out;
 - c) The impact associated with invasive alien species;
 - d) The sustainability of any proposal that may exist on the use of biodiversity components;
 - e) The measures proposed to avoid, minimize or mitigate the impacts identified;
 - f) The measures to compensate for impacts on biological resources and affected biodiversity.
2. The description and evaluation of the effects on biodiversity and its components carried out under the terms of the previous number must:

- a) Take into account the direct and indirect impacts on the proposed site of its implementation and surrounding area, the global or transboundary impacts that may exist and the cumulative impacts with other activities;
- b) Be based on the best scientific data and information available;
- c) Use the best technology available;
- d) Adopt the best international practices in force.

Article 46

Environmental Impact Assessment

The government entity responsible for issuing the environmental license, under the terms of the law, must ensure that, within the scope of the project being evaluated

- a) The adverse effects and risks identified in the assessment are properly weighed;
- b) Appropriate measures are foreseen to avoid, minimize, or mitigate the adverse impacts identified
- c) In-kind or financial remedial measures are in place to repair damage arising from the loss of biodiversity, if necessary.

CHAPTER VIII

SCIENTIFIC RESEARCH

Article 47

Scientific research programs

1. The state shall support the development of scientific research programmes and the development of alternative technologies that are relevant to the conservation of biodiversity and the sustainable use of its components.
2. The priority of the programs foreseen in the previous point must be to encourage the revitalisation, strengthening and dissemination of the use of traditional practices and knowledge.
3. The provisions of this article are without prejudice to the rights of local communities that hold traditional knowledge and require that the economic benefits arising from such research be shared in a fair and equitable manner with them.

Article 48

Licensing

1. The conduct of any scientific research activity, regardless of its purpose, involving components of biodiversity is subject to licensing under the terms set out in this Chapter.
2. The granting of a license for scientific research involving access to genetic resources or associated traditional knowledge, or which is carried out on community or private property, is conditional upon the prior written and informed consent of the respective local communities or owner.
3. Marine scientific research is subject to special legislation.

Article 49

Request

1. The application for a license shall be submitted in the official language and addressed to the member of the Government responsible for the conservation of nature and biodiversity, by submitting the following complete information

- a) Full identification of the institution involved, including the Directorate and the person responsible for the project;
 - b) Description of the nature, object and objectives of the project, as well as the research means to be used and expected results;
 - c) Geographical areas where the project will be executed and the expected dates for its realization;
 - d) Evaluation of the existing or potential risk and of the negative impacts of the activity to be developed;
 - e) Identification of the measures to minimize or mitigate the eventual risks or negative impacts;
 - f) Source of financing for the project;
 - g) Composition of the research team, including training and nationality;
 - h) Proof of payment of the emolument, under the terms to be approved by a specific diploma.
2. The application is made using the form approved by a ministerial diploma of the member of the Government responsible for nature conservation and biodiversity.

Article 50

Proceedings

1. Once the application referred to in the previous number has been received, the member of the Government responsible for nature conservation and biodiversity has 10 working days to:
 - a) Request an opinion from the Advisory Committee for Biodiversity;
 - b) Consult and request the opinion of public and private entities it considers relevant, under the terms of this diploma;
 - c) Evaluate if the licensing application complies with the principles and rules foreseen in the present diploma and other applicable legislation;
 - d) Evaluate the potential or existing risk and negative impacts, as well as the measures presented to minimize or mitigate such risks or impacts
 - e) Assess the application's conformity with the management plan's provisions, in case the activity is totally or partially developed in a protected area;
 - f) Request additional information from the applicant if deemed necessary.
2. The Biodiversity Advisory Committee and the public or private entities consulted under the terms of this article have 20 working days in which to give their opinion.
3. After the time period provided for in the previous number has elapsed, the member of the Government responsible for the conservation of nature and biodiversity has 15 working days in which to issue or refuse the license.

Article 51

License

1. Licenses shall be issued on the appropriate form and shall contain the following information:
 - a) The identification of the applicant;
 - b) The purpose for which it is issued
 - c) The period of validity;
 - d) The applicable geographic area;
 - e) The object of investigation.

2. The issuance of a license may be conditional upon the applicant's compliance with certain conditions that are necessary to ensure the conservation of biodiversity and the sustainable use of its components and the training of national researchers.
3. The license issued is non-transferable.
4. The model license is approved by a ministerial statute of the member of the government responsible for the conservation of nature and biodiversity.

Article 52

Grounds for refusal

The following constitute grounds for refusal to issue a license:

- a) The presentation of the application in violation of the provisions of Article 48;
- b) The existence of high risk or negative impact to biodiversity or its components resulting from the project;
- c) The non-conformity of the project with the provisions of this diploma and other legislation in effect;
- d) The existence of incompatibility between the investment project and the provisions of the management plan for the protected area;
- e) The non-conformity of the project with the uses and customs of Timor-Leste.

Article 53

Obligations

The obligations of the holder of a license for scientific research are

- a) Keep a duplicate of the deposit of any specimen that has been harvested;
- b) Submit a report to the government entity responsible for nature conservation and biodiversity on all research results;
- c) Promote the participation in research and the training of national researchers and national institutions;
- d) To seek means of transferring technology to national institutions;
- e) Respect the uses and customs of Timor-Leste during the research process;
- f) Carry the license during the research activities and display it whenever requested by the authorities.

Article 54

Cancellation

1. The license may be cancelled, at any time, by the member of the Government responsible for the conservation of nature and biodiversity, based on the following grounds:
 - a) Provision of false or misleading information during the processing of the application;
 - b) Violation of the obligations set forth in the previous article or any legal norm in force;
 - c) Verification of any supervening fact that makes it impossible to carry out the research project.
2. The titleholder shall be notified of the cancellation decision and shall have 5 working days to hand it over to the government entity responsible for the conservation of nature and biodiversity and to terminate the research.

CHAPTER IX INFORMATION AND EDUCATION

SECTION I INFORMATION

Article 55 Information Sharing

1. In order to guarantee access to environmental information for all citizens, all data and information about biodiversity and biological resources that are collected by public or private entities must be available to the public, free of charge, through the intermediation mechanism, without prejudice to intellectual property rights, under the terms of the law.
2. Academic institutions, their researchers, non-governmental organizations or any other public or private entities, regardless of their nature, that carry out scientific research or promote the collection of data on the sustainable use of biodiversity components must share such information with the government entity responsible for the conservation of nature and biodiversity, for the purposes of integrating the information into the intermediation mechanism, without prejudice to intellectual property rights, under the terms of the law.

Article 56 Intermediation mechanism

1. The brokering mechanism is intended to promote and facilitate scientific and technical cooperation, the sharing of knowledge and the exchange of information in the area of conservation and sustainable use of biological diversity under the Convention on Biological Diversity.
2. The brokering mechanism shall make available to the public in physical and electronic versions
 - a) The national biodiversity strategy;
 - b) The supra-municipal, municipal or local biodiversity plans;
 - c) Existing inventories identifying the components of biodiversity that are important for nature conservation;
 - d) The national list of protected species;
 - e) List of exotic and invasive alien species;
 - f) The opinions issued by the Advisory Committee on Biodiversity;
 - g) The comprehensive report referred to in Article 24
 - h) Existing monitoring reports;
 - i) Record of complaints or denunciations that it has received and that constitute a violation of the present diploma.
 - j) Updated information regarding illegal trade in protected species;
 - k) The existing activities of Tara Bambu in the scope of biodiversity protection and conservation and sustainable use of its components;
 - l) Any reports or studies done on nature conservation and biological resources or intended to assist the decision-making process;

- m) Any agreements or protocols entered into that have as their object the conservation of biodiversity and the sustainable use of its components;
- n) Information on public consultation processes that are organized within the scope of this diploma;
- o) Any licenses that are granted under this statute and its regulations.

SECTION II EDUCATION

Article 57

Biodiversity education and awareness

1. School curricula and educational materials for compulsory education, as well as those used in non-formal education shall incorporate provisions on the conservation of biodiversity the sustainable use of its components, including on traditional forms of protection such as Tara bandu, in order to promote and facilitate biodiversity education and awareness.
2. The organization of public awareness and sensitization campaigns in urban areas and rural areas should also be promoted periodically to help increase the knowledge of the local community, especially women and the private sector on ways of biodiversity conservation, including mitigation and adaptation measures to existing threats.

CHAPTER X ECONOMIC INSTRUMENTS AND INCENTIVES

Article 58

Economic Instruments and Incentives

1. Economic instruments and incentives of a non-monetary nature may be defined to encourage the conservation of biodiversity and the sustainable use of its components, in a perspective of environmental sustainability and solidarity between generations.
2. The instruments and incentives foreseen in the previous number may include the creation of charges for services rendered, payments for environmental services, carbon credit mechanisms, transfer of technology or methodologies necessary for the conservation of biodiversity.
3. The economic instruments and incentives created must ensure that the benefits resulting from the sustainable use of biodiversity components are fairly and equitably shared between owners and users.

CHAPTER XI MONITORING AND SETTLEMENT OF DISPUTES

Article 59

Supervision

1. Supervision of compliance with the present law obeys the precautionary principle and is the duty of the government body responsible for the conservation of nature and biodiversity and the government body responsible for the environment, without prejudice to the powers of other police authorities, namely maritime and port authorities, under the terms of the law.
2. Anyone who witnesses or has knowledge of the planning or carrying out of activities that constitute a violation of this law must communicate this fact verbally or in writing to the competent authorities.

Article 60
Alternative dispute resolution

1. Disputes arising in the community relating to the conservation of biodiversity and the sustainable use of its components must be resolved preferably through recourse to alternative dispute resolution mechanisms, including traditional or community-based mechanisms, under the terms of the Constitution and the law.
2. The provisions contained in the previous point shall depend on the agreement of the parties involved and shall not prejudice the right to resort to the courts, under the terms of the law.
3. Alternative dispute resolution shall not be applicable to facts that could constitute a criminal offence.

CHAPTER XII
SANCTIONING REGIME

Article 61
Liability

The actions or omissions that violate the provisions in the present diploma will give rise to administrative infraction liability, without prejudice to any civil or criminal liability that may be incurred.

Article 62
Misdemeanors

1. The following constitute administrative offenses:
 - a) The provision of false information with the objective of obtaining authorization or licensing under the present diploma;
 - b) The violation of the terms and conditions imposed by an authorization or license issued under the present diploma;
 - c) The practice of any action or omission intended to hinder or impede the work of the competent authorities;
 - d) The practice of any of the activities prohibited by paragraph 2 of article 30;
 - e) Engaging in any activity of trading in protected species in violation of article 31;
 - f) The exploration and use of non-protected species outside the terms foreseen in the respective license;
 - g) Engaging in any activity in violation of article 34;
 - h) The practice of any activity prohibited by paragraph 1 of article 39;
 - i) The performance of any activity involving genetically modified organisms, in violation of article 68;
 - j) Carrying out scientific research activities without the respective license, under the terms foreseen in chapter VIII.
2. The administrative offenses provided for in the previous item shall be punishable, depending on their seriousness, by fines of:
 - a) \$100.00 U.S. dollars to \$2,000.00 U.S. dollars, in the case of natural persons;
 - b) \$1,000.00 American dollars to \$10,000.00 American dollars, in the case of legal entities.
3. In the event of a repeat offence, the minimum and maximum limits provided for in the previous article shall be doubled.

4. The fines collected under this article shall revert to the coffers of the State.
5. Without prejudice to the provisions of Paragraph 2, whenever justified by the minor seriousness of the infraction or in cases of negligence or attempt, the offender may be given a mere written warning.

Article 63

Accessory Sanctions

The infractions foreseen in the previous article may also lead to the application of the following accessory sanctions, when the seriousness of the infraction justifies it

- a) Seizure of objects belonging to the offender that have been used in the commission of the infraction;
- b) Reimbursement of all costs incurred by the State as a result of the commission of the infraction;
- c) Revocation or suspension of any license or authorization granted to the infractor under the terms of this law;
- d) Obligation to carry out any other reasonable measure aimed at restoring biodiversity.

Article 64

Reparation for damage

Without prejudice to the application 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 prior to the year, under the terms foreseen in the Environment Framework Law.

Article 65

Procedure

1. Without prejudice to the competencies of the police, maritime and port authorities, the Chief and staff of the protected area and the forest rangers are responsible for raising the notice whenever they witness the practice of facts foreseen in article 62, paragraph 1.
2. The official report shall contain a detailed description of the facts and circumstances of the practice of the infraction, identify the date it was committed, the infractor, witnesses and other information considered relevant.
3. The official report shall be made in triplicate, one copy being for the person making the report, another for the offender and another for the member of the Government responsible for the conservation of nature and biodiversity.
4. Once the report has been received, the Government member responsible for nature conservation and biodiversity shall notify the offender to issue a written statement within a maximum of 20 working days.
5. Within the 20-day period referred to in the previous number, the member of the Government responsible for the conservation of nature and biodiversity may, on a justified basis, appoint a qualified employee from the service to carry out additional investigations into the infraction.
6. After hearing the offender and the reporting officer and after analysing the information received under the terms of the previous number, if applicable, the member of the Government responsible for the conservation of nature and biodiversity shall make a reasoned decision on the sanctions to be applied to the offender, under the terms foreseen in this statute and in the Basic Law on the Environment.
7. The decision may be appealed to the courts, under the general terms of law.

CHAPTER XIII
TRANSITIONAL AND FINAL PROVISIONS

Article 66

Protected species

1. Until approval of the national list of protected species in the terms foreseen in article 29, the species listed in Annex I to this diploma are considered to be protected species.
2. The entry into force of the national list of protected species in the terms foreseen in article 29 determines the expiry of Annex I.

Article 67

Exotic species

1. Until the approval of the national list of exotic species under the terms foreseen in article 37, the exotic species listed in Annex II to this document are considered to be exotic species and fugitive exotic species.
2. The entry into force of the national list of exotic species under the terms foreseen in article 37 determines the expiration of Annex II.

Article 68

Genetically modified organisms

Until specific legislation is approved and in order to avoid and prevent damage to human, animal or plant health or to the integrity of ecosystems, scientific research activities involving genetically modified organisms shall only be permitted if the respective license is granted under the terms provided for in this statute.

Article 69

Entry into force

This decree-law shall enter into force on the day following its publication.

Approved by the Council of Ministers on May 8, 2019.

The Prime Minister,

Taur Matan Ruak

The Coordinating Minister for Economic Affairs,

Agio Pereira

The Minister of Agriculture and Fisheries,

Joaquim José Gusmão dos Reis Martins

Promulgated on 29 / Jan / 2020

Be it published.

The President of the Republic,

Dr. Francisco Guterres Lú Olo

ANNEX I
(Protected species)

1. Birds

Taxonomic Name	English Common Name(s)	Tetun/ (se existir)
<i>Gallicolumba hoedtii</i>	Wetar Ground Dove	
<i>Treron psittaceus</i>	Timor Green Pigeon	
<i>Ducula cineracea</i>	Timor Imperial Pigeon	
<i>Turacoena modesta</i>	Black Dove	
<i>Ducula rosacea</i>	Pink-headed imperial pigeon	Manu pombu
<i>Psitteuteles iris</i>	Iris Lorikeet	Lorikoulun mean
<i>Aprosmictus jonquillaceus</i>	Olive-shouldered Parrot	Loriko liras makerek
<i>Todiramphus australasia</i>	Cinnamon-banded kingfisher	
<i>Geokichla dohertyi</i>	Chestnut-backed Thrush	
<i>Geokichla peronii</i>	Orange-sided Thrush	
<i>Saxicola gutturalis</i>	White-bellied Bush Chat	
<i>Ficedula timorensis</i>	Black-banded Flycatcher	
<i>Heleia muelleri</i>	Spot-breasted Heleia	
<i>Lonchura fuscata</i>	Timor Sparrow	
<i>Locustella timorensis</i>	Timor Bush Warbler	
<i>Fregata andrewsi</i>	Christmas Frigatebird	
<i>Cacatua sulphurea</i>	Yellow-crested cockatoo	Kakatua
<i>Charadrius javanicus</i>	Javan Plover	
<i>Charadrius peronii</i>	Malaysian Plover	
<i>Limnodromus semipalmatus</i>	Asian dowitcher	Manu radeibun naruk
<i>Esacus magnirostris</i>	Beach Stone-curlew	
<i>Numenius madagascariensis</i>	Eastern Curlew	
<i>Limosa limosa</i>	Black-tailed Godwit	
<i>Calidris tenuirostris</i>	Great Knot	
<i>Macropygia magna</i>	Bar-necked Cuckoo Dove	
<i>Trichoglossus euteles</i>	Olive-headed lorikeet	Loriko
<i>Centropus mui</i>	Timor Coucal	
<i>Ninox fusca</i>	Streaked Boobook	

<i>Caprimulgus ceciliae</i>	Timor Nightjar	
<i>Oriolus melanotis</i>	Timor Oriole	
<i>Sphecotheres viridis</i>	Timor Figbird	
<i>Pnoepyga timorensis</i>	Timor Wren-babbler	
<i>Gerygone inornata</i>	Plain Gerygone	
<i>Urosphena subulata</i>	Timor Stubtail	
<i>Phylloscopus presbytes</i>	Timor Leaf-warbler	
<i>Buettikoferella bivittata</i>	Buff-banded Thicketbird	
<i>Cyornis hyacinthinus</i>	Timor Blue Flycatcher	
<i>Pachycephala orpheus</i>	Fawn-breasted Whistler	
<i>Pachycephala macrorhyncha</i>	Yellow-throated Whistler	
<i>Philemon inornatus</i>	Timor Friarbird	
<i>Meliphaga reticulata</i>	Streak-breasted Honeyeater	
<i>Lichmera flavicans</i>	Flame-eared Honeyeater	
<i>Myzomela vulnerata</i>	Black-breasted Myzomela	
<i>Cinnyris solaris</i>	Flame-breasted Sunbird	
<i>Dicaeum maugei</i>	Blue-cheeked Flowerpecker	
<i>Erythrura tricolor</i>	Tricolored Parrotfinch	
<i>Trichoglossus capistratus</i>	Marigold Lorikeet	Loriko fulun makerek
<i>Dicrurus densus</i>	Wallacean Drongo	
<i>Horornis vulcanius</i>	Sunda Bush-warbler	
<i>Muscicapella hodgsoni</i>	Pygmy Flycatcher	
<i>Accipiter fasciatus</i>	Brown Goshawk	
<i>Pandion cristatus</i>	Eastern Osprey	
<i>Aviceda subcristata</i>	Pacific Baza	
<i>Elanus caeruleus</i>	Black-winged Kite	
<i>Milvus migrans</i>	Black Kite	
<i>Haliastur indus</i>	Brahminy Kite	
<i>Haliaeetus leucogaster</i>	White-bellied Sea Eagle	
<i>Circaetus gallicus</i>	Short-toed Snake Eagle	
<i>Circus assimilis</i>	Spotted Harrier	
<i>Accipiter soloensis</i>	Chinese Goshawk	
<i>Aquila fasciata</i>	Bonelli's Eagle	
<i>Falco moluccensis</i>	Spotted Kestrel	
<i>Falco longipennis</i>	Australian Hobby	
<i>Falco peregrinus</i>	Peregrine Falcon	
<i>Megapodius reinwardt</i>	Orange-footed Scrubfowl	
<i>Gallus gallus</i>	Red Junglefowl	
<i>Columba vitiensis</i>	Metallic Pigeon	
<i>Macropygia ruficeps</i>	Little Cuckoo-Dove	
<i>Ptilinopus cinctus</i>	Banded fruit dove	
<i>Ptilinopus regina</i>	Rose-crowned Fruit Dove	
<i>Geoffroyus geoffroyi</i>	Red-cheeked parrot	Loriko hasan mean
<i>Tanygnathus megalorhynchos</i>	Great-billed parrot	Loriko ibun mean
<i>Collocalia fuciphaga</i>	Edible-nest Swiftlet	
<i>Collocalia esculenta</i>	Glossy Swiftlet	
<i>Brachypteryx leucophrys</i>	Lesser Shortwing	
<i>Turdus poliocephalus</i>	Island Thrush	
<i>Seicercus montis</i>	Yellow-breasted Warbler	
<i>Ficedula westermanni</i>	Snowy-browed Flycatcher	
<i>Philemon buceroides</i>	Helmeted Friarbird	
<i>Dicaeum sanguinolentum</i>	Blood-breasted Flowerpecker	
<i>Zosterops montanus</i>	Mountain White-eye	

2. Terrestrial fauna (mammals, amphibians, reptiles, insects, freshwater fish)

Taxonomic Name	English Common Name(s)	Tetun/ (se existir)
<i>Crocodylus porosus</i>	Saltwater crocodile	Lafack tasi
<i>Chelodina mccordi timorlestensis</i>	Lake Ira Lalaro Snake-necked Turtle	
<i>Broghammerus (Python) reticulatus</i>	Reticulated Python	
<i>Liasis mackloti</i>	Water Python	
<i>Broghammerus (Python) timorensis</i>	Timor Python	
<i>Varaus sp.</i>	Atauro Monitor	
<i>Gekko gekko</i>	Tokay gecko	
<i>Crocidura tenuis</i>	Timor Shrew	
<i>Dobsonia peronii peronii</i>	Western Naked-backed Fruit Bat	
<i>Acerodon mackloti</i>	Sunda fruit bat	
<i>Eonycteris spelaea</i>	Lesser dawn bat	
<i>Pteropus griseus griseus</i>	Gray flying-fox	
<i>Nyctimene keasti</i>	Keast's tube-nosed fruit bat	
<i>Pteropus lombocensis</i>	Lombok flying-fox	
<i>Pteropus vampyrus</i>	Large flying-fox	
<i>Rousettus amplexicaudatus</i>	Geoffroy's rousette	
<i>Taphozous achates</i>	Indonesian tomb bat	
<i>Taphozous melanopogon</i>	Black-bearded tomb bat	
<i>Rhinolophus canuti timoriensis</i>	Canut's horseshoe bat	
<i>Rhinolophus celebensis parvus</i>	Sulawesi horseshoe bat	
<i>Rhinolophus montanus</i>	Timorese horseshoe bat	
<i>Rhinolophus aff. philippinensis</i>	Undescribed Large-eared horseshoe bat	
<i>Hipposideros bicolor hilli</i>	Bicoloured leaf-nosed bat	
<i>Hipposideros diadema diadema</i>	Diadem leaf-nosed bat	
<i>Hipposideros sumbae aff. rotiensis</i>	Sumban leaf-nosed bat	
<i>Harpiocephalus aff. harpia</i>	Undescribed Hairy-winged bat	
<i>Kerivoula sp.</i>	Undescribed woolly bat	
<i>Murina aff. florum</i>	Undescribed tube-nosed bat	
<i>Nyctophilus sp.</i>	Undescribed long-eared bat	
<i>Miniopterus australis</i>	Little bent-winged bat	
<i>Miniopterus magnater</i>	Large bent-winged bat	
<i>Miniopterus oceanensis</i>	Australasian bent-winged bat	
<i>Miniopterus pusillus</i>	Small bent-winged bat	
'Rattus' sp.	Undescribed Forest Rat	
'Melomys' sp. 1	Undescribed Mosaic-tailed Rat	
'Melomys' sp. 2	Undescribed Mosaic-tailed Rat	
<i>Coryphomys buehleri</i>	Buhler's Coryphomys	
<i>Coryphomys musseri</i>	Musser's Coryphomys	

Giant rat Genus A Undescribed species 1	Giant rat	
Giant rat Genus A Undescribed species 2	Giant rat	
Giant rat Genus A Undescribed species 3	Giant rat	
Giant rat Genus B Undescribed species	Giant rat	
Giant rat Genus C Undescribed species 1	Giant rat	
Giant rat Genus C Undescribed species 2	Giant rat	

3. Terrestrial flora

Taxonomic Name	English Common Name(s)	Tetun/ (se existir)
<i>Santalum album</i>	Sandalwood	Ai-camelli
<i>Intsia bijuga</i>	Borneo Teak, Moluccan Ironwood	Ai-teka
<i>Pterocarpus indicus</i>	Amboyna Wood, Burmese Rosewood, Red Sandalwood	
<i>Dalbergia latifolia</i>	Bombay Blackwood, Indian Rosewood, Indonesian Rosewood, Malabar Rosewood	
<i>Millettia xylocarpa</i>		
<i>Antiaris toxicaria</i>		
<i>Neosomitra scheffleriana</i> , subsp. <i>podagrica</i> (Middleton)		Fataluku – Matarufa uku
<i>Carallia brachiata</i>	Freshwater Mangrove, Carallia	Ai parapa (be'e) Fataluku – Oi
<i>Cycas spp.</i>	Cycad species	
<i>Eleocharis geniculata</i>	Canada Spikesedge, Spike rush	
<i>Daphniphyllum timorianum</i>		
<i>Pometia pinnata</i>		
<i>Pouteria nitida</i>		
<i>Podocarpaceae spp.</i>		
<i>Aglaia lawii</i>		
<i>Aglaia smithii</i> Koord.		
<i>Mammea timorensis</i> kost		
<i>Aerides timorana</i>		
<i>Bulbophyllum sundaicum</i>		
<i>Diuris fryana</i>		

<i>Habenaria ankyolcentron</i>		
<i>Habenaria cauda-porcelli</i>		
<i>Habenaria giriensis</i>		
<i>Liparis aurita</i>		
<i>Oberonia glandulifera</i>		
<i>Peristylis timorensis</i>		
<i>Pterostylis timorensis</i>		
<i>Thelymitra forbesii</i>		
<i>Canarium sp.</i>	Kenari tree	Ai-kear
<i>Ficus sp.</i>	Fig tree	Ai-hali

4. Marine Species

Taxonomic Name	English Common Name(s)	Tetun/ (se existir)
	Turtle (all species)	Lenuk
<i>Dugong dugon</i>	Dugong	(Karau tasi)
	Whale (all species)	Baleia
	Dolphin (all species)	Lumba lumba/tunino
	Seal (all species)	Asu tasi (liras badak)
	Sea Lion (all species)	Asu tasi (liras naruk)
<i>Rhincodon typus</i>	Whale shark	Tubiraun
<i>Tridacna and Hippopus spp (Family – Tridacnidae)</i>	Giant clams (all species)	Sipu
<i>Syngnathidae (family)</i>	Sea horses and Pipefish (all species)	
<i>Cheilinus undulatus</i>	Giant Wrasse, Humphead, Humphead Wrasse, Maori Wrasse, Napoleon Wrasse, Truck Wrasse, Undulate Wrasse	Niru fatuk/ lamor makerek
<i>Pinctada maxima</i>	Pearl oyster	Ramis
<i>Anthozoa (class)</i>	Coral (all species)	Ahu-ruin
<i>Nautilidae (family)</i>	Nautilus (all species)	
<i>Cypraeidae (family)</i>	Cowry/cowrie	

5. All other species listed in Appendix I and Appendix II of the Convention on International Trade in Endangered Species

ANNEX II
Provisional List of Prohibited Invasive Species

Taxonomic Name	English Common Name(s)	Tetun/ (se existir)
<i>Bufo marinus</i>	Cane toad	
<i>Duttaphrynus melanostictus</i>	Common Asian Toad	Manduku Interfet
<i>Cyprinus carpio</i>	Common carp	
<i>Aedes aegypti</i>	Yellow fever mosquito	
<i>Paratrechina longicornis</i>	Crazy ant	Nehek mean (boot)
<i>Varanus indicus</i>	Mangrove monitor	Lafaek rai-maran
<i>Jatropha gossypifolia</i>		(Jatropa)
<i>Sida acuta</i>	Common Wireweed	
<i>Lantana camara</i>		
<i>Tithonia diversifolia</i>		Bunga matahari
<i>Parkinsonia sp.</i>	Palo Verde	
<i>Prosopis pallida</i>	Mesquite	Ai-tarak
<i>Ziziphus mauritiana</i>	Rhamnaceae	Ai-look
<i>Chromolaena odorata</i>	Siam Weed	Duut sukar/mutin
<i>Mimosa diplotricha</i>	Giant sensitive plant	Maria moedor
<i>Leucaena leucocephala</i>		Ai-kafe
<i>Thevetia peruviana</i>	Yellow oleander	Ai-funan korneta