

East Timor and the Protection of Indigenous Peoples' Rights: Cultural Imperatives After Independence

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This Article outlines the challenges that East Timor faces as a newly independent republic; particularly, that of the resolution of conflicting land claims. Land dispossession has become a hindrance in the reintegration of East Timor refugees to their homeland, with the conflict stemming from land claims of original land owners versus those belonging to the returning refugees. In resolving such conflicts, village elders drew heavily from customary law in order to facilitate repatriation and arrive at a solution for land dispossession.

The Author then outlines the Constitution of East Timor and discusses at length how its provisions positively or negatively impact indigenous peoples' rights. The Author also presents related literature to help shed light on lands rights issues, particularly drawing from the works of Dionisio da Costa Babo Soares and Daniel Fitzpatrick. Both cited authors recommend welcoming the participation of anthropologists or social scientists in helping resolve conflicting land claims with their extensive knowledge of customary law.

Finally, the Article concludes that the recognition of East Timorese culture and customary laws is an integral part of resolving conflicts with regard to land claims, which are grounded on traditional rights. The East Timorese Constitution is one that presents contradictions which, in turn, poses a threat to the balance between preservation and exploitation of East Timor's natural resources.

It is thus recommended that Philippine advocates for indigenous peoples' rights explore East Timorese cases with further research, focusing on the dynamics between international law and customary law and colonial legal systems versus traditional ones. The Author posits that by virtue of similar colonial experiences, East Timor and the Philippines may establish a dialogue to help provide a solution for the land claims of indigenous peoples.