

Regulation No. 2000/17

United Nations Transitional Administration in East Timor
Administration Transitoire des Nations Unies au Timor Oriental (UNTAET)

UNTAET/REG/2000/17

8 June 2000

REGULATION NO. 2000/17 ON THE PROHIBITION OF LOGGING OPERATIONS AND THE EXPORT OF WOOD FROM EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

After consultation in the National Consultative Council,

For the purpose of reducing deforestation in East Timor pending an inventory of the forests of East Timor and the establishment of a sustainable forestry industry,

Promulgates the following:

Section 1 Applicable Law

All laws which have effect in East Timor by virtue of Section 1 of (UNTAET) Regulation 1999/1 and which may provide greater protection of the natural environment of East Timor than the protections contained in this or any other Regulation shall remain in effect.

Section 2 Prohibitions

Subject to Section 3 of the present Regulation:

- (a) the cutting, removal and logging of wood (hereinafter: logging operations) from land in East Timor;
- (b) the export from East Timor of wood in any form, including logs, planks, plywood or furniture, and
- (c) the burning or any other destruction of forests, is prohibited.

Section 3 Exemption from prohibitions

3.1 A person or legal entity wishing to:

- (a) conduct logging operations in East Timor; or
- (b) export wood in any form from East Timor, for use by the pharmaceutical industry, the cosmetics industry or for such other purposes and upon such conditions as deemed essential by UNTAET for the economy of East Timor, authorised by an UNTAET directive may apply to the UNTAET Agricultural Affairs Unit for an exemption from the operation of Section 2 of the present Regulation.

3.2 The form of an application for an exemption shall be prescribed by an UNTAET directive.

3.3 Unless decided otherwise by the Transitional Administrator, section 2(a) shall not apply to logging operations for the purposes of:

- (a) producing wood for traditional farming and other domestic, traditional or cultural uses;
- (b) construction of traditional houses; and
- (c) construction of religious buildings in East Timor, on land that is below 1,500 metres elevation and which has a slope of less than 25 per cent.

3.4 Section 2(b) shall not apply to wood used, locally to make handicrafts and exported by individuals as part of personal household effects or luggage.

3.5 The granting of an exemption may be subject to conditions.

Section 4 Offences

4.1 A person who, or legal entity which:

- (a) conducts, or attempts to conduct, logging operations in East Timor;
- (b) exports, or attempts to export, wood from East Timor; or
- (c) burns or in any way destroys, or attempts to burn or destroy, a forest, or a part of a forest, in contravention of Section 2 of the present Regulation shall have committed an offence pursuant to the present Regulation.

4.2 A person who, or legal entity which, fails to comply with conditions subject to which an exemption was granted pursuant to Section 3 of the present Regulation shall have committed an offence pursuant to the present Regulation.

Section 5 Penalties

5.1 All civil and criminal penalties under current law for illegal logging or causing other damage to forests remain in effect.

5.2 A person who commits an offence as set out in Section 4.1 or Section 4.2 of the present Regulation shall, in addition to any other applicable civil and criminal penalties be liable:

- (a) to a penalty not exceeding US \$5,000, to be determined by the Head of the UNTAET Agricultural Affairs Unit; and
- (b) to confiscation of the wood together with any tools, equipment and vehicles used for the purposes of logging operations or the transportation of wood subject to prohibition under this Regulation.

5.3 A legal entity, other than a business registered pursuant to UNTAET Regulation No. 2000/4, which commits an offence as set out in Section 4.1 or Section 4.2 of the present Regulation shall be liable, in addition to any other applicable civil and criminal penalties, to a penalty not exceeding US \$500,000, to be determined by the Head of the UNTAET Agricultural Affairs Unit.

5.4 A business registered pursuant to UNTAET Regulation No. 2000/4 which commits an offence as set out in Section 4.1 or Section 4.2 of the present Regulation shall be liable, in addition to any other applicable civil and criminal penalties, to:

- (a) a penalty not exceeding US \$500,000, to be determined by the Head of the Agricultural Affairs Unit;
- (b) the cancellation of the registration of that business; and

(c) confiscation of the wood together with any tools, equipment and vehicles used for the purposes of logging operations or the transportation of wood subject to prohibition under this Regulation.

5.5 A person who, or legal entity which, commits an offence as set out in Section 4.2 of the present Regulation shall also be subject to the cancellation of the exemption granted pursuant to Section 3 of the present Regulation.

5.6 A financial penalty imposed by the present Section shall accrue to the East Timor Consolidated Budget, as provided for under UNTAET Regulation No. 2000/1.

Section 6 Review

6.1 A person against whom, or a legal entity against which, a decision has been made pursuant to the present Regulation may apply in writing to the Deputy Transitional Administrator for a review of that decision.

6.2 An application for review pursuant to Section 6.1 of the present Regulation shall only be considered if it made within thirty (30) days of the date of the contested decision.

6.3 The Deputy Transitional Administrator shall, within thirty (30) days of the date of an application submitted in accordance with this Section, either uphold or overturn the original decision, and shall notify, in writing, the person or legal entity of the reasons for doing so.

6.4 Pending the establishment of adequate judicial procedures for administrative matters, a person or legal entity may challenge a decision of the Deputy Transitional Administrator to uphold the original decision adverse to their interests with the competent judicial authorities in East Timor.

6.5 In any court proceeding arising out of or in connection with the present regulation against UNTAET or a servant of UNTAET, the court shall apply the same substantive norms as would be applicable under the procedures for administrative matters.

Section 7 Entry into force

The present regulation shall enter into force on 8 June 2000.