

[UNOFFICIAL ENGLISH TRANSLATION]

Decree-law No. 15/2026 of 1 of April

Establishing the Basis for Spatial Planning and Management of the National Maritime Space

Interconnectivity and three-dimensionality are two fundamental aspects that characterise the maritime space and distinguish it from land territory. These two characteristics — and, in particular, the fact that the maritime space is divided into surface, water column, seabed and subsoil — require coastal States to adopt measures to ensure its proper planning and comprehensive use as a whole.

As stated in the Preamble of the United Nations Convention on the Law of the Sea (UNCLOS): “the problems of ocean space are closely interrelated and need to be considered as a whole.” The Convention also notes the need for States to promote “a legal order for the seas and oceans which will facilitate international communication and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment”.

Although there is no international regime exclusively dedicated to the spatial planning and management of the maritime space — or even a universal definition of the concept — several multilateral and regional organisations have emphasised that governance of the maritime space must be comprehensive rather than merely sectoral or limited to preservation of the marine environment in specific areas. For example, UNESCO – United Nations Educational, Scientific and Cultural Organization, explicitly highlights the need to adopt governance models that include, on the one hand, planning measures enabling sustainable and sustained development of different uses and activities across space and time, and, on the other hand, measures for implementation, control, monitoring, evaluation, research, public participation and financing, all of which enable effective governance.

In the East Asian region, where Timor-Leste is located and where its national maritime space occupies a strategic position in terms of marine biodiversity, various important initiatives have been undertaken at both national and regional levels regarding maritime spatial planning and management, particularly under the auspices of UNEP – United Nations Environment Programme.

Accordingly, in line with international best practices and with a view to implementing the Government's policy to promote and diversify the sea economy in Timor-Leste — as expressed in the Policy and Action Plan for the Promotion of a Resilient and Sustainable Sea Economy (2025–2035) — this Decree-law aims to establish and implement a new paradigm for the development of the national maritime space, ensuring its proper organisation and use, with a view to its enhancement and contribution to the sustainable development of Timor-Leste.

This new paradigm adopts an integrated approach to maritime territory, rather than a sectoral one, taking into account land–sea interaction and applicable legal regimes, such as environmental protection and spatial planning legal frameworks, and the management and regulation of fishing and aquaculture, the respective basis being set out in Decree-Law No. 6/2004 of 21 April.

Likewise, as noted, it is important to safeguard the protection and preservation of the marine environment. Indeed, the Constitution of the Democratic Republic of Timor-Leste recognises, in Article 6 paragraph f) that it is an objective of the State to protect the environment and preserve natural resources. It further provides, in Article 61, that everyone has the right to a humane, healthy and ecologically balanced living environment, as well as the duty to protect and improve it for the benefit of future generations, and that the State must preserve and enhance natural resources, promote actions to defend the environment, and safeguard the sustainable development of the economy.

It is also important to ensure consistency with the adoption of an ecosystem approach, which is grounded in a vision for the integrated, long-term management of ecosystems. In this regard, Decree-Law No. 5/2016 of 16 March, which establishes the National System of Protected Areas, defines the ecosystem-based approach as “a strategy for the integrated and long-term management of land, aquatic, coastal and marine ecosystems,

wetlands and their environmental components, which places human needs at the centre of biodiversity management and promotes the conservation and sustainable use of resources in an equitable manner.”

In turn, Law No. 6/2017 of 19 April, which establishes the general basis of public policy for spatial planning provides in Article 3 paragraphs a) and g) that the purposes of spatial planning include, respectively, “the harmonious and sustainable development of the national territory, ensuring a balanced distribution of different soil uses and promoting their rational and efficient utilisation,” and “the protection and enhancement of natural, cultural and landscape heritage, namely coastal zones, lagoon and riverbanks, agricultural and forest areas, and specific ecosystems”.

The Environmental Framework Law, approved by Decree-Law No. 26/2012 of 4 July, states in Article 18 paragraph 1 that “the State shall, in defining spatial planning, ensure an appropriate and harmonious organisation and use of the national territory, with a view to its enhancement, in order to safeguard and promote the principles and objectives of the environmental policy, namely the protection of protected areas, the sustainable management of natural resources and environmental components, aiming at sustainable economic, social and cultural development”. Paragraph 5 of the same provision provides that “spatial planning must take into account the particular needs of the marine coast and marine ecosystems”.

Therefore, it is now necessary to approve the basis of the legal regime for the spatial planning and management of the national maritime space, determining the key elements of its content — namely, the preparation, approval, suspension, amendment, evaluation and revision of respective instruments and of titles for the private use — which shall subsequently be developed in complementary legislation.

Thus, the Government hereby decrees, under the terms of Article 115 paragraph 1) e) and o) and Article 116 paragraph d) of the Constitution of the Democratic Republic of Timor-Leste, that the following has the force of law:

CHAPTER I

General provisions

Article 1

Object and scope

1. This Decree-law establishes the basis for the spatial planning and management of the national maritime space.
2. This Decree-law does not apply to activities which, by their nature and scope, are intended exclusively for national defence or internal security of the State.
3. The development of fishing and aquaculture activities shall be articulated with the provisions of Decree-Law No. 6/2004 of 21 April, which establishes the general basis for the management and planning of fishing and aquaculture.
4. This Decree-law does not apply to the Special Regime Area created under the Treaty between the Democratic Republic of Timor-Leste and Australia Establishing Their Maritime Boundaries in the Timor Sea, signed on 6 March 2018.

Article 2

National maritime space

The national maritime space extends from the baselines to the outer limit of the territorial sea and includes the exclusive economic zone and the continental shelf, as defined in Law No. 7/2002 of 20 September.

Article 3

Guiding principles

1. In addition to the principles enshrined in national legislation, particularly in the Environmental Base Law, the spatial planning and management of the national maritime space shall observe the following guiding principles:
 - a) Ecosystem-based approach, which takes into account the interconnectivity and the complex and dynamic nature of ecosystems, including the preservation of the good environmental status of the marine and coastal environment and land–sea interaction;

- b) Adaptive management, which takes into account the dynamics of ecosystems and the evolution of knowledge and activities, seeking to improve the responsiveness of marine spatial planning and management;
 - c) Integrated, multidisciplinary and cross-sectoral management, ensuring:
 - i) The coordination and compatibility of the spatial planning and management of the national maritime space with economic, social, environmental and spatial planning policies;
 - ii) The coordination and compatibility of spatial planning and management of the national maritime space with sectoral policies that may have incidence in it, ensuring the appropriate balancing of public and private interests at stake;
 - iii) Coherence between spatial planning of the national maritime space and spatial planning of land space, particularly in coastal areas, to ensure good interaction between maritime and terrestrial territories;
 - d) The promotion and enhancement of economic activities from a long-term perspective, ensuring the effective use of the rights granted by the titles of private use, in accordance with the conditions established therein;
 - e) Regional and transboundary cooperation and coordination, ensuring collaboration and coordination of the various uses and activities, current or planned, within the national maritime space, taking into account potential effects on neighbouring international maritime areas or those of other States.
2. The State recognises the importance of all forms of *Tara Bandu*, as a custom integral to the culture of Timor-Leste and as a traditional mechanism regulating the relationship between humans and the surrounding environment, including the marine environment.

Article 4

Objectives

1. The spatial planning and management of the national maritime space aims to promote the sustainable, rational and efficient economic development and use of marine resources and ecosystem services, ensuring the compatibility and sustainability of various uses and activities developed within it, taking into account inter- and intra-generational responsibility in the use of the national maritime space, and aiming to foster knowledge creation, human resource diversification and specialisation, and the promotion of opportunities and investment in Timor-Leste's sea economy.
2. Actions undertaken within the scope of the spatial planning and management of the national maritime space shall take into consideration the preservation, protection and restoration of natural values and coastal and marine ecosystems, and the achievement and maintenance of the good environmental status of the marine environment, as well risk prevention and the minimisation of the effects arising from natural disasters, climate change or human action.
3. Actions carried out within the spatial planning and management of the national maritime space shall guarantee legal certainty and procedural transparency, including with respect to the granting of titles for the private use, and shall enable the exercise of rights to information and participation provided for in this Decree-law.
4. The spatial planning and management of the national maritime space shall also aim to enhance knowledge and make use of available information concerning the national maritime space.
5. Without prejudice to the provisions of Article 11, spatial planning and management of the national maritime space shall also seek to prevent or minimise potential conflicts between the uses and activities carried out in the national maritime space.
6. Spatial planning and management of the national maritime space shall take into account the land–sea interaction, namely through coordination and compatibility with land plans and other plans with incidence on the national maritime space, with the objective of achieving planning integrated coordination.

Article 5

Competence

1. The Government shall be responsible for promoting spatial planning and management of the national maritime space and for undertaking activities necessary for the implementation of this Decree-law and its complementary legislation.
2. The Government shall be responsible for developing and coordinating actions required for spatial planning and management of the national maritime space and, whenever necessary, for ensuring appropriate coordination and compatibility with land spatial planning and management, environmental protection systems, the legal regime governing fishing and aquaculture management and planning, and the legal regime applicable to the Special Regime Area referred to, respectively, in Article 1 paragraphs 3 and 4.
3. The Government shall be responsible for monitoring and evaluating on a continuous basis the spatial planning and management of the national maritime space, under terms to be defined by specific legislation.

Article 6

System for the planning and management of the national maritime space

The system for spatial planning and management of the national maritime space comprises the planning instruments referred to in Article 7.

CHAPTER II

Planning of national maritime space

Article 7

Planning instruments for the national maritime space

1. The spatial planning of the national maritime space shall be carried out through the following instruments:

- a)* The situation plan of the national maritime space, which identifies the areas and volumes of the zones of the national maritime space, with the spatial and temporal distribution of current and potential uses and activities, and the identification of sites for the protection and preservation of the marine environment and of vulnerable marine ecosystems, including marine protected areas;
 - b)* Allocation plans of areas and/or volumes of zones within the national maritime space designated for different uses and activities.
2. The approval of allocation plans shall be preceded by an environmental impact assessment of the effects of the plans, under the terms established by law.
3. Allocation plans must be compatible, or made compatible, with the situation plan and, once approved, shall be automatically integrated into it.

Article 8

Preparation and approval of planning instruments

The planning instruments for the national maritime space shall be prepared and approved by the Government, without prejudice to the rights to information and participation provided for in Article 12, as well as to the right of initiative for the preparation of allocation plans by any interested party, under the conditions to be defined by specific legislation.

Article 9

Amendment and revision of planning instruments

1. The situation plan referred to in Article 7 paragraph 1 a) shall be amended in the following circumstances:

- a) Following the approval of the allocation plans referred to in Article 7 paragraph 1 b);
 - b) Whenever the evolution of environmental conditions or of economic and social development prospects so require;
 - c) Where such amendment results from the implementation of the legal regime applicable to the Special Regime Area referred to in Article 1 paragraph 5.
2. The situation plan of the national maritime space shall be revised within the timeframe and under conditions to be established by specific legislation.

Article 10

Suspension of planning instruments

The planning instruments for the national maritime space may be suspended, in whole or in part, under terms to be established by specific legislation, and only when required in pursuit of the national interest.

Article 11

Conflict of uses or activities

1. In the context of preparing allocation plans, where a conflict arises between uses or activities — existing or to be developed — within the national maritime space, the following criteria of preference shall apply for determining the prevailing use or activity, provided that the good environmental status of the marine and coastal environment is ensured:
 - a) Greater social and economic advantage for the country, namely through job creation and strengthening human resources competences, value creation, and contribution to sustainable development;
 - b) Maximum coexistence of uses or activities.

2. The criteria of preference referred to in the preceding paragraph shall be applied in descending order established therein, in a qualifying manner, successively, where, under the higher-ranking criterion, the evaluation of conflicting uses or activities results are equal, or where the higher-ranking criterion is not applicable.
3. The Government shall, in each case, proceed with the assessment and evaluation of the preference criteria referred to in paragraph 1.
4. Preference for a particular use or activity, as determined in accordance with preceding paragraphs, may entail the relocation of ongoing uses or activities, under terms to be established by specific legislation.

Article 12

Rights to information and participation

1. All interested parties shall have the right to be informed and to participate in the procedures for the preparation, amendment, revision and suspension of planning instruments for the national maritime space.
2. In the preparation, amendment, revision and suspension of planning instruments for the national maritime space, the following shall be ensured:
 - a) The involvement of the various ministries responsible for sectors of activity carried out within the national maritime space and of public entities entrusted with the administration of the areas or volumes covered by the situation plan or allocation plan;
 - b) The participation of all interested parties through a public consultation process;
 - c) The publication of the results of the public consultation process;
 - d) The prior publication of projects of spatial planning instruments of the national maritime space, as well as of all proposals and opinions received during the public consultation process.
3. The spatial planning instruments for the national maritime space shall be published in the *Jornal da República*.

Article 13

Legal regime

The legal regime applicable to the preparation, approval, amendment, revision and suspension of the spatial planning instruments for the national maritime space shall be established by specific legislation.

CHAPTER III

Use of the national maritime space

Article 14

Common use

1. The national maritime space shall be for common use and public enjoyment, particularly for recreational purposes.
2. The common use of the national maritime space shall not be subject to any titles of use, provided it complies with the law and with the conditions defined in the applicable plans, and does not adversely affect the good environmental status of the marine environment and coastal areas.

Article 15

Private use

Private use of the national maritime space shall be permitted through the reservation of an area or volume for the exploitation of the marine environment or marine resources or ecosystem services to a greater extent than that obtained through common use, and which results in an advantage for the public interest.

Article 16

Titles of private use

1. The private use of the national maritime space shall be undertaken under a title of use issued in accordance with the terms and conditions set out in this Decree-law and other applicable legislation.
2. The right to private use of the national maritime space may only be granted through concession, licence or authorisation, regardless of the nature or legal form of the titleholder.
3. Private-use titles shall expire upon the termination of the period specified therein and shall be extinguished under the conditions established by specific legislation.
4. The granting of a title of private use shall oblige its holder to ensure the effective use and to ensure the adoption, at all times, of the necessary measures in order to reach and maintain the good environmental status of the marine environment and coastal areas, under terms to be defined by specific legislation.

Article 17

Issuance of other concessions, licences or authorisations

Where the exercise of a use or activity requires, in addition to the title of private use of the national maritime space, the issuance of other concessions, licences or authorisations, the various applicable procedures shall be coordinated under terms to be set out in complementary legislation.

Article 18

Uses subject to concession

1. Without prejudice to Article 20, private use of the national maritime space involving prolonged use of an area or volume shall be subject to prior concession.
2. Prolonged use means that which is continuous and has a duration exceeding 12 months.

3. A concession may have a maximum duration of 50 years and shall be granted under the terms and conditions defined by specific legislation.

Article 19

Uses subject to licence

1. Without prejudice to the following Article, private use of the national maritime space involving temporary, intermittent or seasonal use of an area or volume shall be subject to prior licencing.
2. A licence may have a maximum duration of 25 years and shall be granted under the terms and conditions defined by specific legislation.

Article 20

Uses subject to authorisation

Private use of the national maritime space related to pilot projects involving new uses or technologies, or to non-commercial activities, shall be subject to authorisation.

Article 21

Requirements and conditions for the granting of private-use titles

The granting of private-use titles shall ensure:

- a) Compliance with the provisions and principles of this Decree-law and other applicable legislation;
- b) Compliance with the provisions of the spatial planning instruments for the national maritime space.

Article 22

Request for prior information

1. Any interested party may submit to the legally competent authority a prior information request regarding the possibility of using the national maritime space for uses or activities not foreseen in the situation plan.
2. Favourable prior information shall be binding upon the State with regard to the possibility of using the national maritime space for the proposed use or activity.

Article 23

Economic and financial regime

The economic and financial regime associated with the private use of the national maritime space shall be defined by specific legislation, which shall promote knowledge and economic, social and environmental sustainability of the use of the national maritime space.

Article 24

Other uses

Uses of the national maritime space not covered by the scope of this Decree-law and which are subject to rules and principles of international law and to international conventions in force in the domestic legal order and binding upon the State of Timor-Leste shall be regulated by the Government, with a view to ensuring their alignment with the spatial planning of the national maritime space established by this Decree-law.

CHAPTER IV

Complementary, transitional and final provisions

Article 25

Coordination and compatibility with other spatial planning and planning instruments

The spatial planning instruments for the national maritime space shall ensure coordination and compatibility with land plans and with other plans having incidence on the national maritime space, with the objective of achieving integrated spatial planning coordination, under terms defined by specific legislation.

Article 26

Coordination and compatibility with the National System of Protected Areas

The law shall define the terms governing coordination and compatibility between the regime for the spatial planning and management of the national maritime space and the National System of Protected Areas, approved by Decree-Law No. 5/2016 of 16 March, in order to guarantee its complementarity with existing and future marine protected areas, namely through the development of the respective classification criteria and management and monitoring plans.

Article 27

Complementary legislation

The complementary legislation of this Decree-Law shall be approved within eighteen months of its publication.

Article 28

Transitional provision

- 1 Until the entry into force of the complementary legislation, the use of the national maritime space shall continue to be governed by the provisions currently in force.
- 2 Titles for the use of resources in the national maritime space issued under previous legislation shall remain in force under their existing terms, particularly with respect to the rights of use inherent therein.

Article 29

Repeal clause

All legislation contrary to the provisions of this Decree-law is hereby repealed.

Article 30

Entry into force

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

Approved by the Council of Ministers on 20 February 2026.