



# ADVANCING TIMOR-LESTE'S AUTONOMOUS TELECOMMUNICATIONS LANDSCAPE (ATLATL)

Outcome Collection – January 2023



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## BUY-IN OVERVIEW

- CLIENT: USAID/Timor-Leste
- POP: October 1, 2019 – January 3, 2023
- BUDGET: \$3 million

Timor-Leste's significant natural resources and strategic location in the Indo-Pacific region have rendered the nation a target for exploitation and cyberattacks by non-democratic actors. The nation's underdeveloped Information and Communications Technology (ICT) industry sector also represents a key constraint on economic growth opportunities and future investments. To address this, the [Advancing Timor-Leste's Autonomous Telecommunications Landscape \(ATLATL\)](#) buy-in worked to improve Timor-Leste's ICT infrastructure, products, and services by creating a policy and legal environment conducive to increased investment and related inclusive growth in the sector.

The ATLATL project has achieved this by establishing a trusted strategic relationship with the Government of Timor-Leste (GOTL) through an embedded technical advisor within the ICT Agency ([TIC Timor](#)). The technical advisor helped position international and local experts who could shape the legal framework of Timor-Leste's ICT sector in adherence with international best practices and relevant treaties, while also ensuring that the framework was appropriate for the local legal and cultural contexts.

## SUMMARY OF OUTCOMES

- Drafting of a comprehensive ICT legislative package which adheres to international best practice and treaties.
- Intervening in the policy process to keep Timor-Leste's World Trade Organization (WTO) and Association of Southeast Asian Nations (ASEAN) accession on track.
- Initiation of an institutional relationship between the Government of Timor-Leste and the International Telecommunications Union (ITU).

## STUDY OVERVIEW

**The Monitoring, Evaluation, and Learning (MEL) team on Digital Frontiers conducted a study** to identify outcomes that were directly caused or significantly contributed to by the ATLATL buy-in. Through qualitative interviews and analysis, the evaluation team aimed to answer three core questions:

- 1. What were the key achievements from the ATLATL buy-in?*
- 2. How did the buy-in contribute to the identified outcomes, and what would have happened in the absence of ATLATL?*
- 3. What were the lessons learned from the process of generating these outcomes?*

The emphasis of the study was to develop outcome stories that incorporated the views of all stakeholders interviewed. That meant systematically interrogating the outcome claims across

interviewees, collecting data using semi-structured, open-ended methodologies, and addressing and noting contradictory perspectives in the rare instances they appeared. For more on the methodology, please refer to Annex 2.

## DEVELOPING THE LEGISLATIVE PACKAGE

### PROBLEM AND APPROACH

Timor-Leste’s underdeveloped ICT sector represents a key constraint on economic growth opportunities and future investments in the country. The lack of a policy and legal environment conducive to increased investment was identified as the primary problem inhibiting growth of the ICT sector. To address this problem, the ATLATL team developed a comprehensive legislative package for the country’s ICT sector in close coordination with relevant government entities and local experts.

### OUTCOME

The ATLATL team was initially tasked by the USAID Timor-Leste and the GOTL to catalyze the development and implementation of an updated National ICT Policy for Timor-Leste. During this process, the team suggested amendments and additions to the policy that sought to facilitate efficient and responsive use of ICT by the government and its citizenry. It also emphasized the importance of strengthening TIC Timor’s ability to carry out its mandate of leading and setting the strategic direction for ICT sector development in the country. This revised National ICT policy was accepted by the Timor-Leste Government. However, when concluding its work on this policy, the ATLATL team discovered several key legislation gaps related to ICT development in Timor-Leste. The team therefore turned its attention to developing legislation foundational to the growth of the ICT sector in the country.

The ATLATL team developed draft legislation for the following five areas critical for Timor-Leste’s ICT sector: (1) Copyright; (2) Data Privacy and Protection; (3) Industrial/Intellectual Property; (4) E-commerce; and (5) Cybercrime. In addition, the team developed a national cybersecurity strategy in collaboration with the GOTL. Finally, across all pieces of legislation, the team put together an implementation plan that will help guide the GOTL as the draft laws pass through the legislative process.

*Overview of status of legislation (for more detail see Annex 1):*

Law/Strategy	Description	Status	Challenges
Cybersecurity Strategy	Establishes priorities, objectives, and lines of action that constitute a path to enable effective cybersecurity.	<b>Adopted by GOTL</b> — inter-ministerial roles being staffed to implement the strategy.	None
Copyright Law	Protects original works of authorship.	<b>Passed</b> — signed into law by the President in December 2022.	Not the law that the ATLATL team drafted. However, the ATLATL team was able to intervene to ensure it adhered to key international treaties.

Data Privacy and Protection Law	Establishes the rules governing handling of personal data.	<b>Draft</b> — expected to be submitted to the Council of Ministers in January.	Not considered a major priority at present.
Industrial/Intellectual Property Code	Regulates the acquisition, exercising and protection of industrial property rights.	<b>Draft</b> — currently being reviewed by an international body (the World Intellectual Property Organization).	Unlikely to be prioritized prior to the March 2023 parliamentary elections. Required for WTO accession.
E-commerce Law	Provides the legal basis for the conduct of electronic commerce.	<b>Draft</b> — can be passed by decree (shorter process) and is likely to be adopted early in 2023.	The country has no commercial code, so the law needed to address various issues that would normally be addressed in a commercial code. Required for WTO and ASEAN accession.
Cybercrime Law	Establishes provisions and procedures related to international cooperation to combat cybercrime and the collection of electronic evidence.	<b>Draft</b> — currently being reviewed by an international body (the Council of Europe).	No major challenges. Required for accession to the <a href="#">Budapest Convention</a> . <sup>1</sup>

**SIGNIFICANCE**

Timor-Leste, like many Lusophone countries, has previously tended to adopt Portuguese law rather than developing laws and legal frameworks that are more appropriate for the local context. Fortunately, Portuguese laws related to ICT policy—with the exception of those on data privacy—generally meet legal requirements reflecting international best practices. However, Portuguese law tends to be complex and difficult to implement in a small island economy like Timor-Leste. The ATLATL team worked to increase understanding of this constraint among relevant government entities and developed draft legislation that fits Timorese realities.

One piece of legislation, the Copyright Law, was promulgated and signed into law by Timor-Leste President José Ramos-Horta in December 2022. This was not the law that the ATLATL team drafted, but they were able to intervene to ensure that the law met requirements of the World Intellectual Property Organization (WIPO), which is a necessary step to World Trade Organization (WTO) accession (see next outcome narrative: “Intervening to Support Timor-Leste’s WTO Accession”). For the four other legislative drafts (the Data Privacy and Protection Law, the Industrial/Intellectual Property Code, the E-commerce Law, and the Cybercrime Law), the “rubber will hit the road” this year when the Council of Ministers and, subsequently, the Parliament votes on adoption. Respondents consulted are optimistic that these drafts will be enacted in 2023. However, respondents also mentioned concerns

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<sup>1</sup> The Convention on Cybercrime, also known as the Budapest Convention on Cybercrime or the Budapest Convention, is the first international treaty seeking to address Internet and computer crime by harmonizing national laws, improving investigative techniques, and increasing cooperation among nations.

that the makeup of the new Parliament may shift significantly after the elections in March 2023. A significant change to the configuration of the Parliament could further delay the passage of the Data Privacy and Protection Law as well as the Industrial Property Code, and potentially the Cybercrime Law.

## **CONTRIBUTION**

The ATLATL team drafted five laws to support Timor-Leste's ICT sector, four of which are now moving through the political process towards enactment. In close coordination with the U.S. Mission and the ICT agency, TIC Timor, and the office of the Prime Minister, the ATLATL team navigated the complex Timorese political system and worked closely with relevant Timorese Government entities, Members of Parliament, and private sector stakeholders to ensure buy-in and support for adoption of the draft laws. The ATLATL experts also worked with senior officials and supported internal working groups in developing provisions for inclusion in the draft laws.

Further, USAID/Timor-Leste developed an effective relationship with the Director of TIC Timor, as the ATLATL team lead was embedded as an advisor for the agency throughout the implementation of the project. The Director valued the ATLATL team's support and trusted their advice. Moreover, the consultative approach, which ensured all relevant stakeholders could provide input to the drafts, was noted as a major success factor. Since the Director of TIC Timor reports to the Prime Minister, this relationship provided the ATLATL team with a strong line of communication with the Prime Minister and senior officials. Moreover, the ATLATL team played a pivotal role in building the U.S. Mission's understanding of critical ICT issues and legislative matters that required attention, and how to effectively communicate these concerns to the GOTL. The advice and recommendations from the ATLATL team were in turn shared through senior officials at the USAID Mission in Dili, the nation's capital, to relevant Timor-Leste Ministers and Members of Parliament. This multi-pronged strategy ensured that the ATLATL team was able to finalize five draft laws and create a pathway for the legislation to move through the policy process.

***What would have happened in the absence of the ATLATL project?*** Recently, there has been considerable movement in the ICT sector in Timor-Leste. The laying of an undersea cable from Australia, now in progress, has led to regional actors exploring ICT investment opportunities in the country; the Government of Timor-Leste is now considering expressions of interest for projects that will result in additional investment in the telecoms sector. ATLATL has provided technical advice to the GOTL for several years, since negotiations for this cable were still in progress, and has offered the government options for improving ICT infrastructure across the country while evaluating possibilities for the landing of additional undersea cables in Timor-Leste.

Development of policies to support a new broadband implementation framework would likely have occurred in the absence of the ATLATL project; however, without the project, policymakers in the Timor-Leste Government would likely have risked not addressing the full scope of issues related to implementing new end-to-end broadband services.

Without ATLATL supporting the legislative drafting process, draft laws in these areas would likely have fallen short for several reasons:

- I. The GOTL would have likely adopted some version of Portugal's laws that would have been difficult to implement in Timor-Leste. Such consideration of international law is critical,

particularly when ICT policy frameworks are being developed in traditionally underserved countries where often little focus is given to the necessary implementation of these policies. Ensuring contextually relevant laws and codes is critical to creating a responsible expansion of the ICT sector in a country. Moreover, the draft laws may not have been crafted so that they would meet the necessary international standards, treaties, and recognized best practices.

2. The legislative process would have been less likely to give close attention to the GOTL's accession processes to membership in the WTO and ASEAN, as well as to various other international treaties and agreements. The ATLATL team took great care to draft legislation that aligned with those concerns, thereby setting Timor-Leste on the path to successful accession to international bodies that will have a major impact on trade relations and economic conditions in the country.
3. Without the information provided to GOTL policymakers and the persistent work of the ATLATL team with those individuals, the development of the draft laws would likely have taken significantly longer. That, in turn, would have delayed Timor-Leste's WTO and ASEAN accession process and slowed development of the ICT sector in the country. The ATLATL team, made up of experts with highly relevant skill sets and extensive complementary experience, was able to navigate various phases of the drafting process in a timely manner and support Timorese counterparts in advocating the proposed laws. The ATLATL team lead was permanently available to aid TIC Timor and, by extension, the Prime Minister's Office and relevant Ministries. ATLATL's local law firm, [Da Silva Teixeira & Associados](#), worked effectively and efficiently in adapting the draft legislation to fit the local context. Other ATLATL experts shaped the legislation and related policies, enabling messaging to speak directly to GOTL decision-makers and all other stakeholders.

**What remains:** The adoption of the four outstanding codes and laws drafted by ATLATL remains to be achieved. There has been promising progress for most of the laws, but so far only the draft Copyright Law has been enacted. This speaks to the slow-moving nature of policy reform and parliamentary action in Timor-Leste. Further, the results of the impending March 2023 parliamentary elections could produce additional constraints to the passing of these laws if there are major shifts in power and any diminution in the government's commitment to ongoing ICT reforms. After the laws are passed, there will be a need to implement them effectively. This remains a concern for many of the stakeholders consulted for this exercise.

## **LESSONS LEARNED**

- A common mindset among some members of the Timorese community has been that once legislation is passed, investment will happen automatically, and the sector will thrive. However, the most important part of any law is its implementation, and strong support is required for effective implementation to happen. Only when implementation has been carried out in a responsible, sustained manner will the investment start flowing and the development of the sector will take place. The ATLATL team and its partners are supporting the laws' implementation in two key ways: (1) The ATLATL team prepared an implementation plan for the full legislative package; and (2) ATLATL's local partner, Da Silva Teixeira & Associados, will continue to support this implementation work now that the project has ended.

- Timor-Leste, in its short time as an independent country, has seen countless international experts descend on the country for brief policy development engagements, produce legal reform documents, and leave. In most cases, this has resulted in inadequate final products because the international experts do not spend the time to build relationships with local actors to understand the context and build consensus around shared objectives. The ATLATL team spent significant time listening to, understanding, and building relationships and trust with key stakeholders. The relatively longer timeline that the project was operating on allowed for this more patient and steady approach. It was also noted that the ATLATL team lead was uniquely equipped to foster relationships and create trusting relationships through his desire to understand the context, let local partners lead, and to develop legislation that could be of true value to the country.
- Because Timor-Leste is a small island economy with a culture that encourages consensus and shared values, people are open-minded about legislative reforms conducted in a consultative manner. ATLATL’s two key individual partners within the government—the TIC Timor Executive Director and the Vice Minister of the Ministry of Tourism, Trade and Industry (MTCI)—were actively engaged and well-informed, providing necessary vision and leadership. TIC’s Executive Director, who reports to the Prime Minister, also worked closely with ATLATL, responding to its advice, and guiding its research and understanding. When appropriate, the Executive Director showcased ATLATL’s work products, inputs, and advice to the Prime Minister. This productive relationship was made possible due to strong, strategic cooperation, and because of the unique operating environment in a small country with a compact government where strategic relationships can have outsized impacts.
- Due to part of the project being funded by Digital Frontiers through the Digital Connectivity and Cybersecurity Partnership (DCCP), with ATLATL’s scope of work focused specifically on addressing ICT-related issues and challenges, ATLATL was not able to provide assistance to the government on areas outside of ICT policy, particularly on issues that are critical for WTO accession. For example, WIPO treaties require candidate countries for WTO accession to adopt laws in their intellectual/industrial policy frameworks that address plant varieties and geographic designations. More flexibility in supporting the GOTL in other policy areas related to international economic integration could have made the ATLATL project more impactful.

*In most cases, when you are working with US-based firms, the usual standard is “I know everything, you know nothing”. They [ATLATL] took every view into account.*

— Local stakeholder

## INTERVENING TO SUPPORT TIMOR-LESTE’S WORLD TRADE ORGANIZATION (WTO) ACCESSION

### PROBLEM AND APPROACH

Copyright is a policy issue that multiple agencies within the Government of Timor-Leste consider to be under their jurisdiction. The country’s Parliament believes that copyright falls under “universal rights”, which is one of their domains of authority. Due to this interpretation, a Parliamentary Commission — specifically, Parliamentary Commission G—decided to develop a copyright law without consulting key stakeholders during the drafting process. This led to an inadequate draft that had deficiencies that would have derailed WTO accession if passed in its original form.



The ATLATL team lead, through his role as an embedded advisor within TIC Timor, was able to review the draft law right as it emerged and quickly identify the problematic areas of the text. Government consultations on the law were scheduled only days after the draft was shared, and the ATLATL team worked directly with TIC Timor and MTCI to swiftly prepare submissions and testimony that led the President of Parliament to halt the Commission's consideration of the draft law and instruct the Commission to make changes sufficient to ensure compliance with the necessary international treaties.

## **OUTCOME**

The head of the Parliamentary Commission G, which has jurisdiction over legislation related to copyright, developed a draft copyright law without seeking outside input during the drafting process. The draft law was then tabled in the Commission without any prior notice on June 6, 2022. It was announced that the draft would be voted on by the Commission members and introduced for a vote in Parliament without public consultations. Internal government consultations were held two days after the emergence of the draft law, and preparation of the GOTL response to the draft law was tasked to TIC Timor and the Ministry of Tourism, Commerce, and Industry (MTCI) on very short notice.

The Commission's draft was an edited version of a former Portuguese copyright law that had been replaced by the Portuguese Government in 2008. The text of this draft would have been problematic for Timor-Leste's prospects for accession to the WTO. Working with the Vice Minister of MTCI and the Executive Director of TIC Timor, the ATLATL team prepared submissions and testimony by both officials on behalf of the government. The testimonies highlighted deficiencies in the draft law, making clear that if the draft were to be enacted as proposed, the law would not be accepted by the WIPO and would have been a direct obstacle to Timor-Leste's WTO accession. After reviewing the submissions and testimony and having direct conversations with the U.S. Mission, the President of Parliament halted the Commission's consideration of the draft law and instructed the Commission to make changes sufficient to ensure compliance with the necessary treaties of WIPO. ATLATL team members, notably its local counsel, were only indirectly involved in the revisions to the Commission's draft. As a result, the final Copyright Law is not as strong as originally desired, however, it is now sufficient to meet WTO accession requirements. The law was enacted by Parliament at the end of November 2022 and signed into law by the President the following month.

## **SIGNIFICANCE**

Without assistance from the ATLATL team and its partners at the U.S. Mission, TIC Timor, and the MTCI, Timor-Leste's accession to the WTO could have been severely delayed. The recovery from an inadequate copyright law that was accomplished by the ATLATL team and its partners, is a high-profile example of the project's effectiveness in working with members of the political community to achieve a necessary result. Given the project's presence on the ground and its strong, strategic relationships within the U.S. Embassy and the Timor-Leste Government, the ATLATL team members were positioned to intervene effectively to ensure that the country's WTO accession process stayed on track.

## **CONTRIBUTION**

The ATLATL team ensured that the inadequate draft copyright law was not adopted by flagging its critical deficiencies and issues to the U.S. Mission, who in turn brought this to the attention of the President of the Parliament. At the same time, the ATLATL team prepared briefing materials for GOTL

officials that specified how the draft copyright law was inadequate and adoption could derail WTO accession. These interventions resulted in the Chairman of the Commission pausing the legislative process and revising the draft law in line with recommendations of the government, supported by inputs from ATLATL.

**What would have happened in the absence of the**

**ATLATL project?** The draft copyright law, partly due to the speed of the legislative process as it applies to rights such as copyright, was not on the radar of the U.S. Mission. It is less clear whether TIC Timor and MTCI would have been able to intervene without the presence of the ATLATL team;

interviews with stakeholders from these institutions did not shed sufficient light on whether TIC Timor and MTCI would have intervened on their own if the ATLATL team was not present. One potential reason for this is that TIC Timor saw the ATLATL team lead as an extended arm of their office, and, as such, did not clearly delineate the actions of one from the other. Some interviewees believed that if the ATLATL team had not made TIC Timor and MTCI aware of the issues in the draft, the legislative process would have continued, and that Parliament would have adopted a law ultimately incompatible with the WTO accession process.

**What remains:** The copyright law was adopted by the National Parliament and approved by the President in December 2022, and the draft Industrial/Intellectual Property Code is currently going through internal review by all affected ministries. The draft code may be introduced in Parliament before the March 2023 parliamentary elections. While it may be voted on prior to the elections, it may also be held over for consideration by the new Parliament. Adoption of both laws is necessary for Timor-Leste's WTO accession.

They [Parliament] weren't aware of this [WIPO requirements]. The ATLATL team with the government submitted our positions. In the end, the law consistently followed the copyright protections of the WIPO treaty.

— Local stakeholder

## LESSONS LEARNED

- The ATLATL team demonstrated that being present “on the ground” and having access to decision-makers and influential players is critical to the successful adoption of new laws relevant to USAID activity desired outcomes. Moreover, being positioned to respond quickly to questions and problems proved crucial in preventing enactment of a potentially inadequate and inappropriate piece of legislation.
- A multi-pronged intervention strategy in policy processes is more effective than one-track strategies. During the legislation process, the ATLATL team worked both with TIC Timor and MTCI to develop submissions and testimony, while also advising the U.S. Mission to engage the President of the Timor-Leste Parliament. Although it cannot be concluded that the multi-pronged approach was what ultimately halted the legislative process on the draft copyright law, the ability to advocate or persuade decision-makers through multiple channels is considered best practice. The ATLATL team, through its strategic relationships with the U.S. Mission and the GOTL, was able to strategically deploy political leverage to ensure the law did not pass in its original form.

# FOSTERING AN INSTITUTIONAL RELATIONSHIP WITH THE INTERNATIONAL TELECOMMUNICATION UNION (ITU)

## PROBLEM AND APPROACH

The ATLATL team was, from an early stage of the project, concerned about the sustainability of their work. They considered the lack of local institutional capacity to implement new legislation a major risk. Therefore, they sought to identify opportunities for capacity-building initiatives to be implemented in Timor-Leste after the project ended.

The International Telecommunication Union (ITU) has in recent years placed increased emphasis on assistance programs that build institutional ICT capacity for governments in developing economies. Thus, fostering an institutional relationship with the ITU was considered a priority for ATLATL. The team worked to establish a relationship between the ITU and the GOTL, which ultimately led to a long-term institutional commitment for the two parties.

## OUTCOME

The ATLATL team catalyzed a connection between TIC Timor and the ITU that ultimately led to a [Joint Declaration](#) (Declaration Supporting Digital Transformation in Timor-Leste) between the GOTL and the ITU, announced on August 30, 2022. Ultimately, this is an institutional commitment to collaborate on policies necessary to progress e-government and related capabilities in Timor-Leste. Under the provisions of the Declaration, the ITU will provide capacity-building and assistance to the GOTL concerning cybersecurity, digital infrastructure, connectivity for schools and “last mile” communities, digital government, and digital skills. These are all areas in which GOTL will need increased capacity to oversee and manage as its ICT sector—in both its public and private dimensions—develops over the next few years.

## SIGNIFICANCE

This initial three-year institutional relationship ensures that the GOTL can build technical expertise in key areas related to the development of the ICT sector and advanced information services. Several interviewees noted that Timor-Leste has thus far experienced a lack of support from international actors to build comprehensive expertise in these areas, all of which are critical to ensure that the GOTL can develop its e-governance capabilities and digitize its public services in line with international norms. To address these deficiencies, the ITU will provide extensive ICT information resources and training programs to GOTL personnel, support projects to expand information services and applications in rural areas and enable collaborations between GOTL and similarly situated governments grappling with related challenges and constraints in their ICT sectors.

This collaboration with the ITU can provide significant opportunities for the GOTL to engage with international governmental bodies. To date, few key actors in Timor-Leste have focused on building relationships between the GOTL and complementary external institutions. As an example, one key international stakeholder, the Australian Government, has focused on improving intra-ministerial communication within the GOTL, but not on external relationship building with international entities.

## CONTRIBUTION

This outcome is directly and exclusively connected to the ATLATL team's work in the country. Prior to the ATLATL project, TIC Timor leaders were mostly unaware of the ITU assistance programs. Moreover, the ITU has historically been focused on spectrum and standards matters, and has only recently developed programs that assist ITU Member States in building policy and implementation capacity. The Joint Declaration provides a framework for new undertakings for the GOTL and the ITU aligned with the priorities of the new Secretary General of the ITU, a visionary American.

**What would have happened in the absence of the ATLATL project?** All interviewees involved or with knowledge of the ITU-GOTL Joint Declaration agreement unequivocally stated that this relationship would not have been established without the presence and persistence of the ATLATL team, at least in the short- to medium-term. In absence of this agreement, the GOTL would not have obtained the ITU's technical support and advisory services to support digital public services in Timor-Leste.

We could only have established this relationship through ATLATL. With their guidance, we managed to talk to the ITU team to develop and agreement.

— Local stakeholder

**Other capacity-building opportunities fostered by the ATLATL team:** The ATLATL team coordinated the nomination and participation of senior TIC Timor staff members in regional training programs to increase their capacity to implement ICT policies and regulations. Trainings included:

- In July and August 2021, Timor-Leste officials participated in the U.S. Patent and Trademark Office programs on patent administration, well-known and bad-faith filings of trademarks, and protection and enforcement of trade secrets.
- In September 2021, Timor-Leste officials participated in:
  - The regional Singapore-United States Third Country Training Program on Intellectual Property and the Digital Economy. The focus was on the delivery of financial and healthcare services over the Internet, the impact on real estate sales and trade-related sales of digital systems in ASEAN countries and expanding the participation of women in the digital economy.
  - The World Bank Regional Webinar on Electronic Know Your Customer (eKYC).
  - The ITU's [Global CyberDrill](#), which has a specific focus on the role of national Computer Incident and Response Teams (CIRTs) and Computer Security Incident Response Teams (CSIRTs) in building cyber resilience and protecting critical information infrastructure. CIRT training had been previously identified as an area of need by TIC Timor.

**What remains:** Respondents noted that little progress has been made since August 2022, when the agreement between TIC Timor and ITU was signed to make the declaration "real" on the ground. There is still a need for the two entities to develop an implementation plan that clearly states what the capacity-building support efforts will entail.

## LESSONS LEARNED

- It was critical for the ATLATL team to have the time—and mandate—to assess capacity gaps among its GOTL counterparts and devise solutions to address these gaps by matchmaking officials with international capacity-building programs. Proper institutional capacity is necessary for the implementation of new codes and laws and critical to the sustainability of any policy development process. It is critical that donors take this into account when designing and resourcing future policy development or engagement projects.
- The capacity of the GOTL to effectively support an evolving ICT sector is currently limited. Without additional resources and commitments from international donors, this will continue to be a threat to the long-term sustainability of ATLATL project outcomes and the responsible expansion of the ICT sector in the country.
- Projects should ensure that host governments are aware of the ITU and its recently expanded mandate and understand how to engage the institution early in policy development processes. Some host governments may be largely unaware of the organization or its assistance programs, which would render the organization an untapped resource—unless intentional effort is put towards establishing a relationship with the ITU.

## ANNEX I: LEGISLATIVE PACKAGE – STATUS AND OUTLOOK

**Cybersecurity Strategy:** The strategy has been adopted by the Government of Timor-Leste, and currently an inter-ministerial committee of 25 stakeholders are being staffed to coordinate and implement the strategy.

**Copyright Law:** The Copyright Law was adopted by the National Parliament in November and received Presidential approval in December 2022. The law is not part of the legislative package that the ATLATL team prepared. However, the ATLATL team was able to intervene to improve an inadequate first draft prepared by Commission G of the National Parliament. The copyright law is critical to ensure accession to the World Trade Organization (WTO) and to the Association of Southeast Asian Nations (ASEAN).

**Data Privacy and Protection Law:** The draft law is expected to be submitted to the Council of Ministers in January. If it is accepted by the Council, the law will be put to a vote in the Parliament. At the moment, data privacy does not seem to be a main priority for the Council and, as such, there is no timeline for when the law may be adopted.

**Industrial/Intellectual Property Code:** The draft law is currently being reviewed by the World Intellectual Property Organization (WIPO). The passage of the law is unlikely to be a focus until after the parliamentary elections in March 2023. However, the Ministry of Tourism, Trade, and Industry (MTCI) is already moving forward on a key implementation step of the code—the creation of an intellectual property agency to administer the code. The next phase of the process towards adoption is a floor debate in the Parliament, which, as mentioned, is unlikely to take place until parliamentary elections are concluded.

**E-commerce Law:** This was noted as the most complicated law to develop and socialize. Timor-Leste has no commercial code, so the law needed to address various issues that would normally be addressed in a commercial code. The draft law was reviewed by the [United Nations Commission on International Trade Law](#) to ensure compatibility with relevant international agreements. The law has been constructed in a way where it can be enacted by decree law, which means that it can be directly passed by the Council of Ministers. The passage of the law will support Timor-Leste's WTO and ASEAN accession and is expected to pass sometime early in 2023, prior to the parliamentary elections in March 2023.

**Cybercrime Law:** The draft cybercrime law has been prepared, and will, when enacted, support the GOTL's recent request to the [Council of Europe \(CoE\)](#) to become an accession candidate to the Budapest Convention. Currently, the CoE is reviewing the draft prepared by ATLATL for compliance with relevant provisions of the Convention. Any changes suggested by the CoE will likely be incorporated into the draft law and it will then be introduced by the Minister of Justice with the Council of Ministers for adoption and referral to the Parliament for enactment. Enactment of an approved cybercrime law is a condition of accession; consequently, Parliament is likely to adopt the draft law with any changes suggested by the CoE. Moreover, it is likely that external factors will incentivize action soon; Timor-Leste has experienced three substantial cyberattacks in the last nine months. As Timor-Leste's Internet connectivity is improved, cybercrime threats against the country will increase exponentially.

## ANNEX 2: METHODOLOGY

**Identification of Core Outcomes:** The Monitoring, Evaluation, and Learning (MEL) team conducted a desk review of relevant project documentation (Quarterly and Annual DCCP Reports, interviews conducted with the ATLATL team lead and three consultants in August 2020, and substantial email communication dating back to February 2022). After the completion of this review, the MEL team consulted with the ATLATL team to identify the core outcomes of its work in Timor-Leste. A set of seven initially identified outcomes were distilled to the four discussed in this document. These outcomes were ultimately selected by the MEL team based on: (1) The significance of the outcome; and (2) A strong link between project and outcome.

**Data Collection:** The MEL team consulted three DCCP staff members; four U.S. Mission representatives (previous and current); one representative from the team's local law partner, Da Silva Teixeira & Associados; one official from TIC Timor; and one official from the Ministry of Tourism, Commerce, and Industry (MTCI). Each consultation was focused on validating different parts of the outcomes identified in the first step, based on a given individual's knowledge and perspective. This was done by careful tailoring of interview protocols based on a given subject's role and flexible facilitation of the consultations to allow for an open and honest recollection of events. Discrepancies across subjects were interrogated and addressed either during interviews or through targeted follow-up. A particular focus was put on interrogating the link between ATLATL and the outcomes of interest.

The consultations also provided the space for individuals to suggest new outcomes for consideration. While none of the additional outcomes identified during consultations were ultimately included in this document, they served to provide an even richer picture of everything accomplished in Timor-Leste. The data collection process ended with a second consultation with the ATLATL team to correct factual inaccuracies.

**Analysis:** The MEL team conducted an iterative qualitative analysis, progressively adding more context to the stories as new information emerged. The process was focused on triangulating information across respondents and ensuring that the perspectives of all subjects with knowledge of a given outcome were included in the story. Very few discrepancies across subjects were identified at the analysis stage, as most inconsistencies had been identified and addressed during the data collection stage.

### **Main Limitations:**

- *Limited sample:* Ten individuals across four stakeholder groups have been consulted in this process. However, the individuals consulted were the most critical informants qualified to speak about the project; they each had a very strong understanding of the ATLATL project and the outcomes included in this document and, by and large, provided a consistent story throughout. Any inconsistencies have been noted in this text.
- *Establishing causality:* Although substantial emphasis was put on developing a careful contribution story, the ATLATL buy-in was operating within a complex political ecosystem. Therefore, it was difficult to make claims regarding the causal link between project and outcomes. The assessment team tried to interrogate this by asking subjects about what they believed would have happened in the *absence of the project*.