

SUCCESS STORY

ATL ATL – A TRUSTED TECHNICAL ENGAGEMENT:

Spearheading Legislation for Timor-Leste’s ICT Sector



Photo Credit: Maahid Photos

With its strategic geographic position in the Indo-Pacific region, the small island nation Timor-Leste is primed for international investment and growth. Catalyzing such growth opportunities requires the presence of a strong Information and Communication Technology (ICT) sector. ICTs serve as essential accelerators for economic and social development, specifically equipping Micro, Small, and Medium Enterprises (MSMEs) with the ability to thrive and participate in not just the local, but also the global economy. Yet, the absence of ICT-related laws and policies in Timor-Leste inhibited private sector investment from international and local stakeholders who seek the confidence of a regulatory environment consistent with international best practices. Without a strong policy and legal framework, Timor-Leste lacked the foundation for a thriving digital ecosystem.

ADDRESSING THE POLICY CHALLENGE

Recognizing these legal and regulatory challenges, the United States Agency for International Development (USAID) deployed Digital Frontiers’ Advancing Timor-Leste’s Autonomous Telecommunications Landscape (ATL ATL) activity¹. Funded under the Digital Connectivity and Cybersecurity Partnership (DCCP) and managed by USAID’s implementing partner DAI, ATL ATL provided technical assistance directly to the Government of Timor-Leste (GOTL) to develop a comprehensive ICT policy and regulatory framework². In close coordination with USAID Timor-Leste, TIC-Timor, and the office of the Prime Minister, the ATL ATL team led the development of an updated National ICT Policy, a National Cybersecurity Strategy, and then prepared draft legislation for five critical areas for Timor-Leste’s ICT sector.

Type of Law	Description
Copyright Law	Protects original works of authorship.
Data Privacy and Protection Law	Establishes the rules governing handling of personal data.
Industrial/Intellectual Property Code	Regulates the acquisition, exercising and protection of industrial/intellectual property rights.
E-commerce Law	Provides the legal basis for the conduct of electronic commerce and the use of digital transactions.
Cybercrime Law	Defines criminal activity in cyberspace and establishes provisions and procedures to combat cybercrime, permits collection of electronic evidence, and authorization of international cooperation in combating cybercrime.

To develop these laws, the ATL ATL team prepared drafts based on recognized best practices and relevant statutes in the US, Europe and Lusophone jurisdictions and worked with ATL ATL’s local law firm, Da Silva Teixeira & Associados, along with GOTL policymakers, to adapt each piece of draft legislation to fit Timor-Leste’s local context. The team also provided the GOTL with informational reports explaining the implications of each draft law, the international models and best

practices which informed the drafts, and how and why they were adapted for the Timorese legal and cultural context. This information sharing allowed ATLATL and the Government to finalize the drafts and move them into the overall legislative process. In December 2022, with key inputs from the ATLATL team during Parliamentary consideration, the Copyright Law was not only signed by Timor-Leste President José Ramos Horta, but its adoption allowed Timor-Leste to take a crucial step toward World Trade Organization (WTO) accession³. In October 2023, the Government announced that the country's accession process would be completed by the end of the year, including adoption of the draft Industrial Property Code necessary to WTO membership. The other finalized draft laws are currently moving through different stages of the Timorese legislative process.

For each of these laws, ATLATL provided the GOTL with an implementation plan outlining relevant guidance for the various ministries and agencies that will be responsible for administering each law. The plan identifies expected challenges, best practices, and international training and capacity building opportunities.



DID YOU KNOW?

As a former Portuguese and Indonesian colony, Timor-Leste's previous efforts to draft ICT-related laws over the last 20 years were hindered by its attempts to configure policies with Portugal's complex legal frameworks. Though most of Portugal's ICT laws generally meet international legal requirements, Timor-Leste's attempts to adapt its laws to Portuguese practices did not adequately address the importance of legal and cultural contextual relevance, i.e., laws and policies specific to Timor-Leste's size, economy, and social needs.

DEVELOPING TIMOR-LESTE'S CYBERSECURITY STRATEGY

With the Asia-Pacific region having faced the most cyberattacks of any global region in 2022⁴, the ATLATL team recognized the young democracy of Timor-Leste was vulnerable to exploitation. In addition to the legislative package, the team also developed a National Cybersecurity Strategy in collaboration with the GOTL. The Strategy has been adopted by the Council of Ministers and establishes priorities, objectives, and lines of action that constitute a path to effective cybersecurity in Timor-Leste. Steps identified by the strategy include appointment of a National Cybersecurity Coordinator, development of a comprehensive cybersecurity implementation plan, establishment of a Computer Security Incident Response Team, and allocation of resources for cybersecurity capacity and skill building. The implementation of the strategy was formally initiated in July 2022 with the establishment of the Inter-ministerial Working Group for Cybersecurity in Timor-Leste, a critical step towards ensuring intragovernmental coordination on cybersecurity that is necessary for the digital safety of the country's 1.3 million citizens.

THERE IS NO SUBSTITUTE FOR DEEP RELATIONSHIPS

The Digital Frontiers team centered the ATLATL project around deploying an expert technical advisor within TIC-Timor. Embedded within the ICT agency, the technical advisor quickly established trusted relationships with several senior GOTL officials, including the TIC-Timor Executive Director and the Vice Minister of the Ministry of Tourism, Trade, and Industry (MTCI). These close and trusted relationships were key to eliciting feedback from Timor government stakeholders on proposed ICT legislation. The embedded advisor also helped to bring in and position other international and local experts who could shape the legal framework of Timor-Leste's ICT sector so that it adhered to international best practices and relevant treaties while remaining appropriate for Timor-Leste's legal and cultural contexts.

"Deep personal relationships with appropriate government officials were essential to Timor Leste's ICT policy development. These relationships required responsiveness and regular communication. By ensuring government stakeholders were guided through key aspects of relevant ICT policy legislation and were provided expert advice on the implications of their ICT policy choices, we were able to identify concerns, limitations, and implementation solutions at the appropriate levels."- Bill Garrison, Senior Policy Advisor, DAI.

WHAT'S NEXT

The success of drafting this ICT legislative package puts Timor-Leste in a strategic position to attract new international partners while protecting both its businesses and citizens. However, the Digital Frontiers team understands that a law is not complete without adequate implementation. While the ATLATL team, in close coordination with key government entities and local experts, devised an implementation plan, it is important that the Government of Timor-Leste continues to actively implement these laws. Digital Frontiers sought to establish a foundation for crucial digital policies and the successful passage of the Copyright Law in 2022 as well as adoption of the revised National ICT Policy and the new National Cybersecurity Strategy. Ongoing reform presents a hopeful opportunity for Timor-Leste to maintain its momentum of developing an open, interoperable, reliable, and secure digital environment.

1. The [Advancing Timor-Leste's Autonomous Telecommunications Landscape](#) (ATLATL) activity, a part of DAI's Digital Frontiers, provided dedicated technical assistance, including an embedded expert, to the Government of Timor Leste (GOTL) to assist in the design, development, and implementation of ICT policies. DAI implements the \$90 million USAID funded Digital Frontiers project, which works closely with the development community to identify successful and sustainable digital development approaches and scale their impact globally.
2. Led by the U.S. Department of State and co-chaired by the U.S. Agency for International Development (USAID), the [Digital Connectivity and Cybersecurity Partnership](#) (DCCP) works with partner countries to support the development of communications infrastructure; promote transparent regulatory policies for open, competitive markets; and build partners' cybersecurity capacity to address shared threats through engagement with the private sector, government, and civil society.
3. At the fifth meeting of the Working Party on the Accession of Timor-Leste on April 20, 2023, WTO members [welcomed](#) the strong and sustained efforts by the Timorese authorities to conclude WTO accession by the 13th Ministerial Conference (MC13) to be held in February 2024.
4. [IBM Security X-Force Threat Intelligence Index 2023](#) highlights the Asia-Pacific retained the top spot as the most-attacked region in 2022, accounting for 31% of all incidents. This statistic represents a five-percentage point increase from the total share of attacks to which X-Force responded in the region in 2021."

