Spatial Planning System: A Comparative Analysis East-Timor/Portugal

Ana Santos, Ana Virtudes
University of Beira Interior, Calçada Fonte do Lameiro Ed. II das Engenharias, 6201-001 Covilhã, Portugal
ana.joao.santos@ubi.pt

Abstract. Each country has its own spatial planning system comprising a set of instruments and goals focused on the cities issues and territorial development. After a period of administration by the United Nations, on 20 May 2002 East-Timor, officially the Democratic Republic of Timor-Leste, became one of the youngest nations in the 21st century, having become a democratic rule of law. To promote the development of its territorial cohesion, on April 19, 2017, the Basic Law on Spatial Planning was approved in this island country in Southeast Asia. It intends to translate a set of principles contained in the National Constitution that could manage the praxis of spatial planning, focused on cities and territorial improvements. Consequently, there is a framework establishing the basis of public policies for this country whose primary objective is to accomplish the territorial quality, regarding the collective culture that integrates the values of the local culture. Given that East-Timor was part of Portugal until 1975, there is still a strong identity between both countries, sharing not only the same language but also several other aspects of culture, politics, and administrative organization. In this sense, this article aims to present a comparative analysis between spatial planning systems in East-Timor and Portugal, in order to find common features and particular aspects. Among the conclusions, this research shows that the land-use bases in East-Timor are similar to the Portuguese system, although it has fewer levels of intervention regarding the public administration framework. In East Timor, there are only spatial planning figures for national and municipal level, with no regional nor inter-municipal levels such as in Portugal.

1. Introduction
Each country has its own spatial planning system comprising a set of instruments and goals focused on the cities issues and territorial development.

In the most recent countries, such as East Timor the absence of a clear structure of land ownership and land-uses presents a number of challenges based on the following aspects: the existence of agricultural land under customary practices; urban areas absent from a clear registered definition; or potential to be exploited by public and private investments, in particular for the development of the tourism sector [1]. In a way to solve this situation, a proposal for a Basic Law on Spatial Planning, approved in April 2017, was sent to the National Parliament.

The difficulty in formalizing the legislation on the territory was, however, underlying not only the fact that East-Timor is a recent country, but also the very social and cultural characteristics of the population, that are far more expressive in the rural context [2].
The design of the research methodology embraces the identification of the main focus, that is, to study the role of the spatial planning oriented to the achievement of the territorial quality and cohesion, in two different countries: East-Timor vs. Portugal. Given that these two countries share a common history, the previously defined main goal aims to find common features and aspects between both countries regarding the spatial planning system framework.

The research on contemporary cities based on today's informal settlements presents unsustainability problems that require areas of transformation. The alteration of the unhealthy state of the extensive areas of the city without infrastructure requires an operational process to be found that ensures the requalification of the city promoting the improvement of public space and the living and living conditions of its population. Currently, population and economic growth in developing countries are hampered by the implementation of a spatial planning model. This leads to environmental degradation, increased access to housing, and problems of economic sustainability. [3]

Due to the lack of economic and social funds from public entities for the implementation of an economically viable and environmentally efficient infrastructure model, the initiative to build basic infrastructure is part of local groups, families, or informal organizations. [4]

Nowadays, the greatest impediment to the development of societies is the emergence of informal settlements without infrastructure, leading to a significant increase in inequalities and poverty and worsening the quality of the environment and the standard of living of communities. Consequently, this situation has serious public health consequences [4].

Cities are now the result of the model of development of societies and the image of their level of performance of the economic, environmental, and social sector [5] [6].

In Portugal, as in many developed countries, population growth is anemic, but in developing realities it shows rapid progress. Consequently, the increase in housing and territorial organization and urban planning is also rapid. The presence of informal settlements in cities in developing countries is colossal, representing a significant part of the housing supply. According to Monsawhawy (2011), "One of the biggest obstacles to development in developing countries is rapid population growth."[7]

In developing countries, such as East-Timor, urban areas are essentially characterized by an organic morphology, without minimal planning regulation, which results in a precarious housing stock, which compromises social development and creates sequelae for public health.[8]

To meet the objective of the analysis of this work, the two Basic Laws on Spatial Planning [9][10] and their instruments will be compared, as well as the comparative study of land-use systems and the objectives defined for both plans. In this way, two basic laws will be studied, namely Law No. 31/2014, published in Diário da República no. 104/2014, Series I of 2014-05-30 (Portugal), and Law No. 6/2017, of April 19 in the Democratic Republic of East-Timor.

2. East-Timor - Historical Background
The island of Timor is located in Southeast Asia (Figure 1) and is divided into two main parcels of territory: the eastern part belonging to the Democratic Republic of East-Timor and the western part to the Republic of Indonesia.
Therefore, the territory of East-Timor occupies a total area of about 15 000km2, distributed in four regions: East Half of the island of Timor, the Enclave of Oé-Cusse Ambeno, the Island of Ataúro and the Islet of Jaco [12].

Despite being a country with a small territorial dimension, East-Timor is a land of great contrasts and diversity, both physically, culturally, economically, and politically. The characteristics of the landscape and respect for natural values and resources are one of the great riches of the territory of East-Timor.

Despite the fact that there was no concrete historical data before the arrival of the Portuguese in the 16th century between 1512 and 1522, it is known that in the thirteenth century, Chinese and Javanese merchants, in search of products such as wood, frequented the island. When in 1651 the Dutch conquered Koepang, the Portuguese, not wanting to lose their dominance, then built a fortress in the port of Lifau, in Oé-Cusse Ambeno, being named the first capital of the province [13]. In 1769, Lifau was besieged and due to weak defense in this place, the government made the decision to move the seat of government to Dili. Portugal and the Netherlands have finally reached an agreement on the borders that have persisted to this day. Timor lived a period of tranquility until World War II, however, due to a Japanese invasion in 1942, many Timorese lost their lives by opposing this occupation. After the country had been recovering from the damage caused for about 30 years, the Portuguese colonies were dissolved with the end of the dictatorship in Portugal. The climate of political instability experienced after this event led to a massive military operation by Indonesia leading to an occupation regime that lasted about 27 years.

Given that East-Timor was part of Portugal until 1975, there is still a strong identity between both countries, as a result of a deep historical relationship between them, sharing not only the same language but also several other aspects of culture, politics and administrative organization.

Only in 2002, independence was proclaimed to East-Timor, after a period of administration by the United Nations. In this way, East-Timor thus becomes one of the newest democratic countries in the world of the 21st century [14][2].

As it is a recent country, East-Timor has a legal framework regarding the regulation, possession, and use of land quite recently. The dynamic and political transformations resulting from the Portuguese occupation, Indonesia, and later independence resulted in a complex and fragmented land management process.

As a result, cooperation relations between the two countries emerged, reflected in the areas of intervention defined by both, and in the contribution that Portugal has made to East-Timor. Thus, it
becomes noticeable the relationship between the two countries and their similarity in relation to the Basic Law on Spatial Planning approved for East-Timor.

In the field of urban planning, governance strategies should be a form of support to the decision-making process and the implementation of policies for better development of cities. It requires the involvement of administrative authorities at all levels, from national to regional, interregional, or local, to citizens and socio-economic actors [15].

In this way, the distribution of human activities carried out in the territory becomes essential and essential, and their planning, which, according to the European Charter for Spatial Planning (Council of Europe) [16] "is the spatial translation of the policies: economic, social, cultural and ecological of society".

3. Instruments for Spatial Planning

3.1. The Portuguese Framework

In Portugal, the framework of territorial planning and management is established based on territorial plans as instruments capable of classify and qualify the land use as well as their programming – urban or rural uses. This system comprises four levels of intervention and action: national, regional, intermunicipal, and municipal. All of them include multiple national planning numbers based on the national space planning policy program at the national level, up to the detailed local plan (Figure 2).

![Figure 2. Portuguese Spatial Planning Framework, adapted from reference [9]](image-url)
The structure of the Portuguese territorial management system is configured in "programs" of spatial planning - mandatory only for public entities, and "plans" of spatial planning, which serve as mandatory planning instruments for both public entities and private sectors. The latter establishes the rules for the construction and urbanization activities.

At the national level, the National Spatial Planning Policy Program (PNPOT) is set up, which is a sectoral program in the fields of defense, public security, risk prevention, environment, water resources, nature and culture conservation, health, tourism, agriculture, forestry, and trade or industry. The first national program is from 2007 and recently a new version was approved.

There are as well at the national level, five figures of special programs for archaeological sites, estuaries, protected areas, coastal zones and public reservoirs. The sectoral programs are focused in several domains such as roads, tourism, areas of national defense, security and civil protection; natural resources and values; hazardous areas; agricultural and forestry; areas of exploration of energy or geological resources; ecological structures; architectural, archaeological and landscape heritage; urban system; location and distribution of economic activities; transport and mobility networks; or infrastructure and networks of collective facilities.

The inter-municipal level is the result of two or more municipalities that are planning to work together. This level of the spatial planning framework comprises the inter-municipal program, the inter-municipal master plan, the urbanization plan, and the detailed plan.

Local instruments are all mandatory figures for public and private entities, such as the inter-municipal plan, and local plans (Municipal Master Plan, Urbanization Plan, and Detailed Plan).

The Municipal Master Plan, which has been at the center of urban planning at the local level for about 30 years, defines the strategic plan for the territorial development of the municipality, being the reference tool for the elaboration of other municipal plans. It establishes the strategic structure for territorial development at the local or sub-regional level.

Within the municipal scope are also the Urbanization Plan, which defines the location of infrastructure and main collective equipment and the Detailed Plan. The latter defines the implementation and volumetric of buildings defines the form and organization of collective spaces and defines the layout of infrastructures. Consequently, this type of plan is focused on urban design solutions.

Thus, spatial planning establishes the basis of public policies whose primary objective is to accomplish the territorial quality, regarding the collective culture that integrates the values of the territory and planning culture.

3.2. The Timorese Framework
In East-Timor, the current and recent Basic Law provides for the existence of two major types of territorial planning instruments: national and municipal. The former must take the form of a National Land Planning Plan and can be complemented with sectoral plans of national scope, for each of the public policies that the Public Administration deems convenient. The second, of municipal scope, covers the municipal circumscription, and the decentralized organs of the administration are responsible for the elaboration of the municipal plan for the planning of the territory. When necessary, land use plans can still be drawn up and approved. (Figure 3)

The territorial planning instruments of national scope define the strategic framework for the planning of the national space, establishing the guidelines to be considered at the municipal level and the
compatibility of the sectoral public policies of the State, as well as, to the extent necessary, the safeguarding of values and resources of recognized national interest.

National spatial planning instruments are the national spatial planning plan and sectoral plans.

Municipal territorial planning instruments establish, in accordance with national guidelines, the land-use regime and its programming and implementation. The municipal planning plan and the land use plan are instruments for territorial planning at the municipal level.

Figure 3. East-Timor Spatial Planning Framework, adapted from reference [10]

The municipal spatial planning plan defines the strategic and programmatic framework for the management and use of the municipality's territory, based on the local development strategy. The land-use plan is an operational plan for implementing the municipal land planning plan directives and is binding on individuals and public entities.

The classification of the soil defines, according to the Constitution, with respect for its classification, the content of its possible use by reference to a dominant activity or use, which is divided into:
- Rural land use, the one for which is recognized vocation for agricultural activities, livestock, forestry, mining and natural spaces of protection and leisure;
- Urban land use, the one for which a vocation is recognized for the process of urbanization and construction.

4. Results and discussions

With the comparative analysis between the spatial planning systems of East-Timor and Portugal, it was possible to identify similarities and common features, both in terms of instruments and in terms of land-uses.

Among the different aspects is possible to find the following:
- The Timorese spatial planning system comprises two levels (national and municipal) with no regional nor inter-municipal entities for spatial planning issues, while in Portugal there are four levels (national, regional, inter-municipal and municipal);
- In East-Timor there is one particular plan for the land uses while in Portugal these issues are comprised in contents of the municipal master plan;
- In Portugal there are two types of spatial planning figures, the programs (which are compulsory for public entities) and the plans (which are compulsory for public and private sectors), while in East-Timor all spatial planning figures are called plans;
The main similar aspects in between East-Timor and Portugal considering their spatial planning system are the following:

- Both have the national and the municipal levels of the public administration as the most important entities in the planning domain;
- The land-uses are the same in both cases, based on the urban and rural spaces;
- In both countries the highest figure of the planning system is the national program such as in Portugal;
- The municipal level is in both cases the most important for the two because it regulates the activities in the territory, the land-use, and the respective planning and execution;
- In both cases, there is the figure of sectoral plans.

5. Conclusions

First of all, it is important to stress that this paper shows the lack of references and scientific research about the Timorese spatial planning system. One reason for this is the youth of East-Timor as an independent country. However, it is possible to conclude that the country is giving strong steps towards the implementation of spatial planning rules, all over its regions, despite being a small island. It shows that it is focused on strategies to preserve the natural values and resources of its territory.

Despite being a small country, in the spatial planning system domain the bases were already founded and the two levels of public administration (national and municipal) are supporting the territorial development, through the figures of the national planning program policies, sectoral plan, municipal plan and the land-use plan. The referred system has several similar aspects with the Portuguese, such as the mentioned organization in several levels of the public administration, the relevance of the municipal entities, which in both countries, works as a pivotal level for planning issues.

Another conclusion is that despite being located on different continents, very far away one for the other, East-Timor and Portugal are sharing a strong territorial identity, present not only in the same language but also in the roots of their cultures.

Such as this article aimed to show, regarding the planning system the similarities could be found in several aspects. The organization of the land uses based on the difference between urban and rural areas is one of these aspects.

In the Portuguese setting, territorial cohesion comprises the effort to strengthen the standardization between Interior regions and the seashore areas, organizing the territory, correcting regional asymmetries, and ensuring equal opportunities for citizens.

Among other conclusions, the Bases for Spatial Planning in East-Timor are more simplified, with fewer levels of intervention, nevertheless, the similarities with what happens in Portugal are quite large, both in terms of instruments and in terms of land-uses.

Finally, this article has shown that the spatial planning system in East-Timor is in evolution, in order to adapt its policies, strategies and solution to local communities in the different regions of the country. There is still a long path ahead to reinforce the engagement of the population in the planning domain, improving aspects like public participation or housing improvements.

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