



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

2011

BUILDING TOGETHER A STRONG
DEMOCRACY FOR THE FUTURE
JSMP Annual Report



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EXECUTIVE SUMMARY

Two years after the Judicial System Monitoring Program (JSMP) established the Parliamentary Watch Project (POP), POP continues to monitor the National Parliament of Timor-Leste with the main objective of promoting people's participation in the legislative process, as well as guaranteeing accountability and transparency through monitoring activities.

The purpose of this report is to make recommendations about how to strengthen democracy in Timor-Leste and to provide information and analysis about the parliamentary system in 2011. JSMP hopes that this report can assist new members of parliament in the future to fulfil their role and responsibility in the next legislative period.

Based on JSMP monitoring, the National Parliament made substantial progress during 2011. For example, several important draft laws were approved, such as the Civil Code, 2012 State Budget, Organic Law for the High Administrative, Tax and Audit Court, Private Investment Law and the Labor Law.

However, the National Parliament also faced a range of challenges in 2011. For example, a number of members of parliament (MPs) continued to contravene the proper working hours, MPs were not very active in the law-making process, there was a lack of proper consultation on draft laws, the Portuguese language continues to be a major obstacle for MPs and parliament still does not have an awareness-raising program to enable the community to understand their system of democracy.

JSMP recognises that MPs faced a number of challenges in 2011, however JSMP values their hard work during the year. Although we understand that their mandate will expire in June 2012, to ensure that the next legislature (2012-2017) can work effectively, JSMP has highlighted the following recommendations with the aim of encouraging MPs to consider:

- 1. National Parliament needs to recruit more national and international advisors to better assist MPs during the law-making process.**
- 2. National Parliament needs to increase the number of officials, particularly to assist parliamentary committees to conduct oversight functions.**
- 3. National Parliament must increase Tetum and Indonesian resources in the parliament library so that MPs can understand and use these resources.**
- 4. National Parliament and the government must prepare all documents, including draft laws, in the two official languages, including Tetum.**
- 5. National Parliament must sanction MPs who often breach the official working hours.**
- 6. National Parliament and the government need to engage in open and substantial consultation with relevant stakeholders on draft laws and enable the community to participate in this process.**
- 7. MPs must become more active and creative in the legislative process and also prepare better. To achieve this, MPs should undertake capacity-building programs in order to further increase their understanding of the legislative process, oversight function and how to make decisions in accordance with the Constitution, laws and the Timor-Leste context.**

8. **National Parliament and the government have to develop an effective awareness-raising program on Timor-Leste's system of democracy, laws, legislative process and political rights, through civic education starting at primary school and continuing for the entire community. This is the government's responsibility however MPs can also contribute to this program.**
9. **National Parliament and the government need to have a good plan to support the State Budget process to enable constructive input from MPs and so that it only needs to be approved once a year and the process is more efficient and effective.**
10. **MPs in the next legislature should give special attention to important draft laws that are still held up in parliament, such as the draft law on a National Reparations Program and the draft law on the Establishment of an Institute of Public Memory.**

INTRODUCTION

In February 2011, JSMP established a Parliamentary Watch Project (POP) in response to the challenges in parliamentary processes and because of the community's limited understanding about the legislative process. POP's aims are as follows:

- to educate the public about the legislative process and increase the understanding of MPs about their responsibilities to build a State based on the rule of law in Timor-Leste, including the importance of accountability and transparency as fundamental elements of democracy;
- to monitor the government to promote democratic values and principles in state institutions;
- to increase the capacity of the Timorese people to actively participate in the democratic process.

Information contained in this report reflects the important events monitored by JSMP-POP in 2011. The aims of this report, *Building Together a Strong Democracy for the Future*, are as follows:

- to provide information about progresses and challenges in the Timor-Leste parliamentary system in 2011; and
- to provide analysis and critical observations about the parliamentary and legislative system in 2011 by examining the entire process.

The report is structured as follows:

- Section 1 – Discusses the activities of the National Parliament in 2011, including laws that were approved, activities of Committee A and analysis of the passage of the Civil Code through Committee A.
- Section 2 – Discusses progresses and challenges that occurred in the parliamentary system in 2011 and the National Parliament's human resources and facilities.
- Section 3 – Describes JSMP's activities in the community to improve people's understanding of the parliamentary system and to involve them in the legislative process, and discusses JSMP's observation of people's level of understanding.
- Section 4 – Annex which describes the structure of the parliamentary system and law-making process in Timor-Leste, and shows statistics and graphs relating to the National Parliament in 2011.

1. ACTIVITIES OF THE NATIONAL PARLIAMENT IN 2011

A. Activities of the National Parliament during 2011

In 2011 the National Parliament demonstrated very significant progress with the approval of several important laws such as the Civil Code, Organic Law on the High Administrative, Tax and Audit Court, Law on Private Investment and the Labor Law. During the process to debate and approve the Civil Code, the National Parliament decided to establish an Ad Hoc Committee to take responsibility for this law after receiving a written request from Committee A that it was unable to continue discussing the law because quorum could not be met.

The National Parliament was also involved in a number of other important events such as hosting a meeting for MPs from the Community of Portuguese Speaking Nations (CPLP) to discuss strategies and planning for national interests, including the approval of several resolutions to review a range of links between CPLP countries in the future. The National Parliament also approved the Government's National Strategic Plan for 2011-2030, which included approving the selection of two board members for the National Intelligence Service, comprising one MP from Fretilin and one from the ruling coalition AMP.

During parliamentary recess in August 2011, most MPs engaged in comparative studies in developed nations in line with the specific authority of each parliamentary committee in order to find references for a number of draft laws that were tabled for discussion and approval. Importantly, JSMP observes that National Parliament shortened its recess from the usual period of 2 months to only 1 month.

The National Parliament and the President of the Republic together held a special session to mark Human Rights Day 2011 by awarding the 'Sergio Viera de Mello' award to 6 winners who were judged to have dedicated their work to human rights.

During 2011, the National Parliament conducted plenary sessions to hear members of the government, including: Minister for Economy and Development, Joao Gonçalves, in relation to the Draft Law on Private Investment; Prime Minister, Xanana Gusmão, who was accompanied by the Minister of Finance, Emilia Pries, in relation to the submission of Draft Amendments to the Law on the Petroleum Fund and Draft Regime on Public Debt; Minister of Justice, Lucia Lobato, in relation to the Draft Package of Land Laws, and Draft Amendments to the Statute on the Public Prosecution Service and Draft Civil Code; Secretary of State for the Council of Ministers, Agio Pereira, in relation to the Draft Law on Strikes; Secretary of State for Vocational Training and Employment, Bendito Freitas, in relation to the Draft Labor law.¹

After considering the activities of the National Parliament in 2011, JSMP notes that parliament has made much progress, however there are still many challenges that impact on the performance of the National Parliament. The following provides a short summary of the obstacles faced by the National Parliament based on monitoring conducted by JSMP. These obstacles are further discussed in Section 2:

- MPs continue to fail to observe the proper working hours. This impacts on plenary sessions to discuss laws, which do not run in accordance with the schedule. Parliament also continues to find it difficult to establish a quorum for afternoon sessions because the majority of MPs from AMP are not in attendance. As a result many laws are delayed. In the opinion of JSMP this is a major problem because MPs are breaching article 460 of the Internal Rules of the National Parliament

¹ Refer to the Annex for a list of laws that were passed by parliament in 2011.

regarding proper working hours for plenary sessions and committees and are neglecting their responsibilities under the Constitution.

- Another problem is that the National Parliament has taken no serious measures to sanction MPs who are constantly absent. For example, according to the Internal Rules of the National Parliament, MPs must provide a written reason before missing work for 3 or more days. However, usually MPs miss work without written justification. JSMP believes that this situation is problematic because their absence impacts on the parliament's ability to establish a quorum in plenary sessions and is in breach of article 5 of the Rules of Procedure of the National Parliament regarding temporary replacements and article 10 regarding the duties and powers of MPs.
- A number of MPs also neglect laws that they consider not to be beneficial to their political interests. One concrete example occurred during the debate on the Draft Law on Prevention of and Combat Against Money Laundering and Financing of Terrorism. In this case several members of parliament withdrew from debate without justification.
- The limited number of advisors in the National Parliament continues to impact on the ability of MPs to have a good understanding of the contents of government draft laws which are only provided in technical Portuguese. The National Parliament only has 4 advisors - 2 who focus on plenary sessions and provide backup to all committees, and 2 who provide specific support to all 9 committees. JSMP observes that these circumstances have had a major impact on the efficiency of the National Parliament. MPs need focused and in-depth advice, including consultation on legal references in order to make comparisons and decide if these laws are relevant and of good quality and in the national interest.
- The scheduling and targeting of public consultation on a number of laws were not conducted well, and therefore often laws did not achieve the best results. JSMP continues to recommend for the National Parliament to extend the public consultation process to ensure it adequately involves interested parties.

B. Committee A of the National Parliament

The National Parliament has standing committees that have a mandate to review draft laws tabled for discussion in plenary sessions of the National Parliament which have been referred to committee. The standing committees comprise MPs representing each party in parliament. Each committee has a mandate to deal with specific issues.

Committee A of the National Parliament deals with constitutional affairs, justice, public administration, local government & government legislation. As a supervisory body, Committee A has overall competence in accordance with article 95 of the Constitution to oversee government performance through debate or submitting written questions to the government. The committee can be assigned to deal with a range of issues such as government policies, the outcomes of government policies, state expenditure on national development as well as government compliance with the Constitution or applicable laws.

The committees can carry out oversight by directly observing the implementation of government programs, questioning local authorities and ministers, referring results of oversight to the plenary and demanding that the government address issues through the new budget process.

Committee A also has the function of examining and investigating matters of importance to the State and evaluating all reports, submissions and recommendations that will be analysed and resolved by the plenary.

The committee also has the responsibility to hear complaints from citizens and forward these complaints to the government, to exercise control over other competent state institutions and ensure that laws which are approved uphold national interests. Currently, Committee A comprises 13 members from 8 parties in the National Parliament, not including PPT.²

In 2011, Committee A was involved in the passage of several laws, such as the First Amendment to the Statute of the Public Prosecutor's Office, Second Amendment to the Law on Election of the President of the Republic and the Law on Election of National Parliament. Committee A also held many sessions in 2011 to hear opinions, including with representatives of the National Association for Victims from 1975 - 1999 to discuss the Draft Law on a National Program for Reparations and the Law on the Establishment of an Institute of Public Memory. Committee A heard opinions from the Ministry of State Administration and Territorial Administration, Technical Secretariat for Electoral Administration, National Electoral Commission, political parties and civil society organisations on the Draft Second Amendment to the Electoral Law; as well as hearing opinions from the Prosecutor-General and the Minister of Justice on the First Amendment to the Statute of the Public Prosecutor's Office; and civil society organisations, Secretary of State for Employment and the Council of Ministers regarding the Draft Law on Industrial Action.

In addition, Committee A analysed a number of petitions submitted by several institutions, such as a petition regarding demands from community leaders from Letefoho and Same and demands from young civil society representatives from Lospalos regarding customary land. Also, Committee A received statements from victims and the families of victims from Alas Sub-District regarding violence committed against the New Apostolic Church. Committee A also carried out a comparative study trip in July 2011 to Cape Verde regarding local authorities and the establishment of municipalities in Timor-Leste.

Analysis – Process of the Civil Code through Committee A

The Civil Code was submitted by the Ministry of Justice in 2009 to the National Parliament.³ The draft code was referred to Committee A as the committee that deals with legislative issues and local authorities. The draft code originated from the government which was given legislative authority by the National Parliament. The draft law submitted by the government to the National Parliament comprised 5 books of 2,159 articles in total.

JSMP observed that the discussion on the Civil Code by Committee A and later the Ad Hoc Committee did not progress effectively because there was insufficient time and provisions made for public consultations with relevant entities such as civil society, religious representatives, community leaders and customary elders to ensure that the Civil Code is truly relevant to the living situation and culture of Timorese people. JSMP notes that the Internal Rules of Procedure of the National Parliament provide an avenue to incorporate public opinion so that laws truly reflect and respond to community interests and the principles of legislative function.⁴

The Civil Code outlines rules that impact on the daily lives of people. This law regulates family life, including marriage, adoption, divorce and inheritance. This law also regulates property rights, including rules on leasing, legal occupation, compensation, credit/mortgages and collective ownership. The Civil Code also regulates the use of water, housing and commerce. Timor-Leste already has cultural rules that organise all of the aforementioned issues and each community has its own way of resolving these issues. These rules may

² Please refer to Annex B which shows the structure of Committee A.

³ Draft Law No. 30/II on the Civil Code.

⁴ In accordance with the Internal Rules of Procedure of the National Parliament, article 79 (d).

also have a serious impact on vulnerable members of society, including the poor, widows, children and the disabled.

When the Ad Hoc Committee made a proposal to amend the draft law based on the results of community consultations, the plenary did not give serious attention to all of the recommendations. This shows that the plenary must work more effectively with all committees and the committees have to put greater pressure on the plenary to consider their recommendations on draft laws.

In addition, without the participation of the opposition party Fretilin, the composition of the Ad Hoc Committee was not ideal because only 8 MPs were involved. This situation was also complicated because the Civil Code has 2,195 articles, and therefore JSMP believes that it was impossible for MPs to read all of the summaries of the decisions made by the Ad Hoc Committee in a short period of time. JSMP observed that the reason why Fretilin walked out from the Ad Hoc Committee was because they considered the Civil Code to be highly sensitive and vital, and therefore required in-depth consultation to ensure that the law reflects the real situation in the community. However if the draft law remained in Committee A, the committee could not have fully guaranteed that the law would be subject to in-depth consultations because there is insufficient technical support in Committee A.

Summary: Process of the Draft Civil Code through the National Parliament

15 December 2009	Government submits the draft Civil Code to the National Parliament.
15 December 2009	Plenary refers the draft Civil Code to Committee A.
6 October 2010	Committee A conducts public consultations with community leaders, civil society and religious representatives in Baucau and Dili. This process is not in-depth because it only introduces general principles about the importance of the Civil Code.
17 December 2010	Committee A finishes its public hearings and approves the draft law in general. Committee A approves specifically only articles 10 to 214.
2 March 2011	Committee A requests the President of the National Parliament to deliberate the draft law in a special Ad Hoc Committee. Committee A recognises that it has insufficient capacity to debate every article.
8 March 2011	President of the National Parliament announces the establishment of an Ad Hoc Committee comprising each party in parliament, excluding Fretilin who decides to abandon the plenary because they consider that it is not necessary to establish an Ad Hoc Committee. Fretilin requests that discussions continue in Committee A.
8 March 2011	Ad Hoc Committee is established with 8 MPs, excluding representatives from Fretilin. Ad Hoc Committee is given only 1 international advisor to support members of the Committee to understand the contents of the draft law.

16 May 2011	Ad Hoc Committee commences its first discussions in Maubisse (16 - 26 May 2011), second discussions in Com-Lospalos (7 June 2011) and continues the third round of discussions for one day in Maubisse (28 June 2011).
28 June 2011	Ad Hoc Committee approves the draft law comprising approximately 2000 articles.
23 August 2011	Ad Hoc Committee produces a submission for the plenary. The submission recommends several amendments to the draft law, however the plenary does not adopt these recommendations.
23 August 2011	The plenary of the National Parliament gives its final approval for the draft Civil Code, passing with 27 for, 1 against and 14 abstaining.
12 September 2011	The National Parliament presents the draft Civil Code to the President of the Republic for promulgation in accordance with the competence of the President (article 85(a) and (c) of the Constitution).
13 September 2011	<p>President of the Republic promulgates the Civil Code.</p> <p>The President has the power to veto laws presented by the National Parliament for promulgations. Unfortunately, the President in this case does not use his constitutional power thoroughly to consult his advisors before deciding to promulgate this law.</p>

2. ANALYSIS OF THE PARLIAMENTARY SYSTEM IN 2011

JSMP continued its monitoring of the progress and challenges in Timor-Leste's parliamentary system during 2011. We will describe the progress and challenges in this section in order to make recommendations to the new parliament for the 2012 - 2017 legislative period.

A. Achievements of the National Parliament in 2011

The National Parliament made some important progress in accordance with its mandate to conduct oversight of the government under article 92 of the Constitution, and to represent their constituents.

National Parliament makes substantive critique of government programs

In 2011 JSMP observed that some members of the AMP started to examine and make substantive criticism of government programs. In comparison, during the previous year only one MP criticised government programs. For example, Lucas da Costa MP criticised the fact that economic growth did not increase in 2011 but decreased because foreign entities conducting business in Timor-Leste were favoured even though they invest their profits overseas. Another issue raised by Lucas da Costa was Bank Mandiri not giving credit to Timorese people and customers not receiving interest on deposits. He believes that this is a failure on the government's part, especially the Ministry of Economy for not having a sound policy to develop the economy for the people of Timor-Leste.⁵

Another concern raised by Natalino dos Santos MP was regarding the poor quality of the emergency road project. He believes that there are indications of corruption by civil servants conspiring with business people to receive mutual benefits under the project.⁶

According to Rui Menezes MP,⁷ MPs encountered a range of obstacles in conducting fiscal oversight because the government used the National Development Agency system which provides for internal loans to be made from one ministry to another, and many internal debts remain.

Deputy President of the National Parliament, Vicente Guterres, criticised the housing project of providing at least 5 simple houses for community members in each sub-village. He believes that this will lead to discrimination as not all community members can access this project and it will take people from their original place of residence. Consequently, he believes

Criticisms by MPs regarding government programs included:

- Ongoing blackouts in Dili and a number of other districts (made by Getrodis Moniz MP)
- Ministry of Education not continuing to provide a food program in a number of schools in remote areas (made by Getrodis Moniz MP)
- The system used to pay the salaries of civil servants is not efficient because it is predominantly a manual system (made by Aderito Hugo da Costa MP)
- Ministry of Education does not have an effective mechanism to support Timorese students in Indonesia to obtain temporary resident visas (made by Virginia Ana Maria Belo MP)

⁵ Lucas da Costa MP criticized the Ministry for Economy and Development on 20 June 2011, based on JSMP monitoring.

⁶ Statement made by Natalino dos Santos MP in a plenary session, 19 December 2011, based on JSMP monitoring.

⁷ Interview with Rui Menezes, Deputy President of Committee A, 13 January 2012.

that people will not want to reside in this pilot housing project.⁸

Oversight conducted by MPs and the results

Article 92 of the Constitution:

The National Parliament is the organ of sovereignty of the Democratic Republic of Timor-Leste that represents all Timorese citizens and is vested with legislative, supervisory and political decision making powers.

According to article 92, only the National Parliament has the competence to pass laws. The only other institution that can develop laws is the government, if authorized by the National Parliament in accordance with article 96 of the Constitution.

Oversight means that any MP, either individually, together, or on behalf of a committee or a faction, directly observes government programs relating to regional development at the district level or in a remote area and then returns to discuss the findings in a plenary session to hold the government accountable. For example, MPs can observe that the allocation of funding for a road improvement project is of poor quality and discuss in the plenary.

Political decision-making can mean that the parliament in a variety of situations can make a political decision in the interests of upholding national security. For example, after 2006 the National Parliament made a resolution declaring a 'State of Siege' in the national interest.

JSMP monitoring in 2011 found that MPs did in fact carry out their duty to conduct oversight by providing input to the government in order to improve mistakes regarding national development. Fernanda Mesquita Borges MP acknowledged that to date the MPs have been conducting oversight, however they have not covered all regions, but nevertheless these efforts are an important step by the National Parliament.

MPs also raised a number of important issues in plenary sessions that received attention from the government, for example, regarding blackouts in Dili and across the entire territory of Timor-Leste. Based on this input, the government eventually established an electricity distribution centre and procured new generators that were set up in Hera and Manufahi to ensure 24 hour supply of electricity. However, MPs from the opposition party Fretilin continued to raise this issue because blackouts continued in Dili and a number of districts.

Ongoing contact between MPs and their constituents

As in last year, JSMP recognises that MPs had some direct contact with their constituents. For example, communities had an opportunity to meet with MPs at the National Parliament and speak directly with the MPs during parliamentary recess to convey a range of concerns on any issue. Sometimes MPs also made time to meet with the media and observers and participate in interviews.

Another example was the participation of the Deputy President of the National Parliament, Vicente Guterres MP, Francisco Branco MP and the President of Committee A, Fernanda Borges MP, in a national seminar organised by JSMP on 'The role of the National Parliament in its capacity as a supervisory and political decision-making body'. After the seminar, the MPs distributed their name cards which contained their office contact details to the participants so that they could question or comment on important issues. Previously,

⁸ Vicente Guterres, Deputy President of the National Parliament, speaking in a National Seminar on 'The Role of the National Parliament in its capacity as a supervisory and political decision making body', organized by JSMP on 24 October 2011.

the Deputy President of the National Parliament, Maria Paixão MP, also gave her telephone number to participants at a national seminar organised by JSMP.

B. Challenges faced by the National Parliament in 2011

In addition to the achievements and progress made, the National Parliament also faced a number of challenges in 2011. These challenges were similar to those from last year, including serious issues regarding commitment, capacity and resources. These challenges are discussed below.

Continuing problems with attendance of MPs

JSMP has been monitoring parliament for more than two years and has observed that a number of MPs are not disciplined in regards to their proper working hours as prescribed in the Rules of Internal Procedure of the National Parliament, which was approved by the MPs themselves. The Rules of Internal Procedure prescribe that the working hours of the National Parliament start at 9am and finish at 6pm.

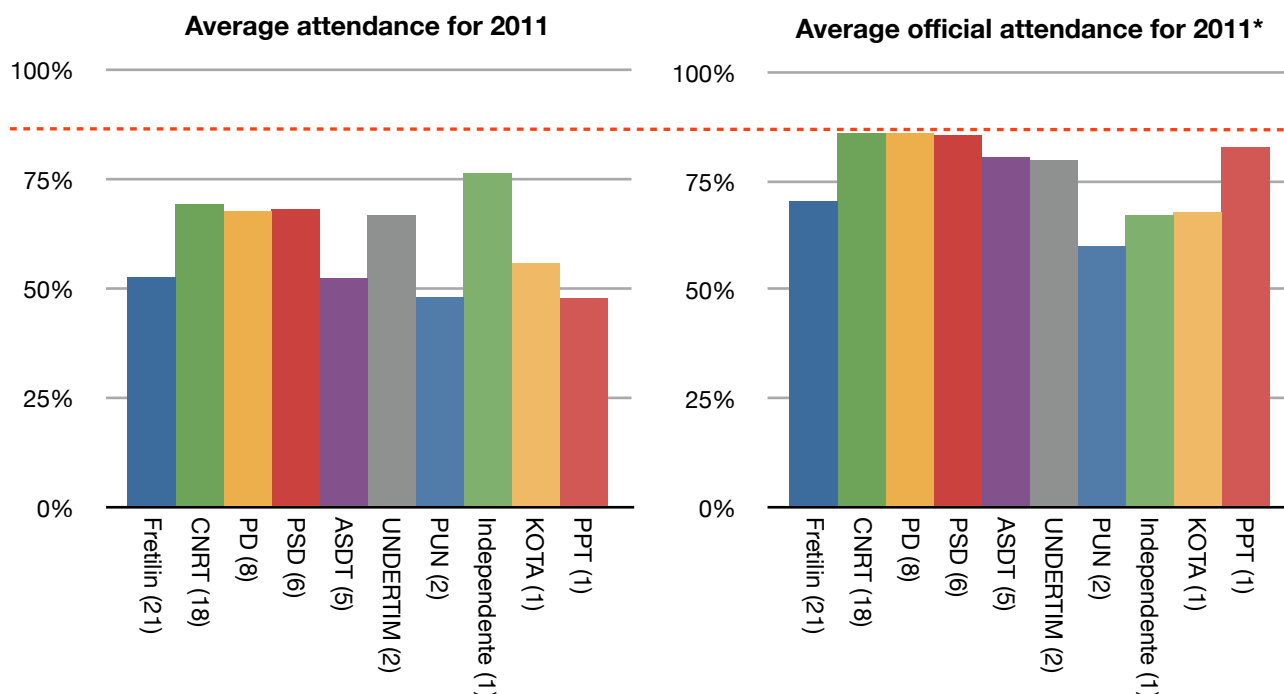
Attendance of MPs in plenary sessions: January - December 2011

Party	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec
Fretilin (21)	58%	65%	54%	42%	45%	51%	55%	39%	39%	44%	77%	58%
CNRT (18)	71%	69%	63%	64%	75%	73%	67%	67%	73%	54%	86%	65%
PD (8)	63%	74%	70%	67%	62%	70%	70%	70%	77%	50%	78%	59%
PSD (6)	68%	74%	81%	82%	65%	38%	67%	60%	69%	50%	83%	71%
ASDT (5)	42%	56%	63%	47%	55%	51%	64%	44%	71%	33%	67%	55%
UNDERTIM (2)	55%	89%	88%	56%	55%	57%	50%	70%	86%	50%	90%	63%
PUN (2)	40%	67%	69%	39%	44%	29%	40%	20%	36%	83%	83%	25%
Independent (1)	70%	67%	88%	67%	80%	86%	20%	0%	14%	0%	73%	50%
KOTA (1)	30%	56%	63%	44%	55%	86%	40%	20%	86%	67%	80%	50%
PPT (1)	60%	44%	63%	22%	55%	43%	40%	100%	71%	33%	40%	0%

The failure to observe the proper working hours has had a major impact on the legislative process. For two years, the majority of MPs have had to delay their work because they could not establish a quorum and this has an impact on programs tabled by the MPs themselves. This often occurred in plenary sessions and Committee A sessions. For example in 2010 and 2011, the majority of plenary sessions started at 10am. Often there were not enough MPs present to establish a quorum and as a result the President of the National Parliament continuously placed pressure on all MPs to be disciplined in their attendance. This issue was also raised by the President of Committee A, Fernanda Borges MP, who supported the statement of the President of the National Parliament and stated that the participation of MPs is still minimal and therefore on numerous occasions quorum could not be established and discussions of important draft laws had to be delayed.

In 2011 JSMP compiled its own attendance register to observe the attendance of all MPs in the plenary sessions. JSMP prepared this list to examine the participation of MPs from the respective parties in the

National Parliament. The rates of attendance presented in this list are based on monitoring conducted by POP staff.



The Deputy President of the National Parliament, Vicente Guterres MP, said that often MPs were late to sessions because they had other important activities and events to attend. This reason was also given in the past by the other Deputy President of the National Parliament, Maria Paixão MP, who made this statement during the 2011 national seminar on 'The role of the National Parliament in its capacity as a supervisory and political decision-making body'. Also, the Deputy President of Committee A, Rui Menezes MP, stated that civil society should not only be examining the attendance of MPs because as representatives of the people, the MPs should allocate more time to make contact with community members in remote areas.

JSMP acknowledges that sometimes the MPs have other important activities that they need to attend. However, their attendance at the National Parliament is also very important so that they can fulfil their obligations in accordance with the Constitution to draft and approve laws.

MPs not active and creative in the law-making process

JSMP notes that MPs were not very active throughout the legislative process, in terms of providing a positive contribution towards law-making. JSMP observed that MPs were more active during parliamentary sessions on 'other issues' than during discussions on the law.

On sessions held on Mondays and Tuesdays, many MPs raised issues such as the roads, problems with school facilities such as lack of books, tables and chairs that are starting to deteriorate, as well as the issue of the elderly who have not yet received any subsidised assistance from the government. In addition, the issue of ongoing blackouts in Dili and other districts was also raised. However when there was a debate on the Draft Law on Crimes of Monopolisation and Speculation, Draft Law on the Central Bank, Draft Legal

*Source of data on official attendance of MPs: 'Monthly governance report, December 2011 Edition' (10 February 2012) UNMIT: <<http://www.unmit.org/>>

Regime Covering the Prevention of and Combat Against Money Laundering and Financing of Terrorism and other laws, most MPs just remained silent because they didn't understand the draft laws well and were afraid of making a mistake in their interpretation. Many preferred to remain silent and not provide any input to the debate.

JSMP recognises that there is a serious limitation of resources available to support MPs in comparison with developed nations. JSMP also understands that MPs have a lot of work but JSMP encourages the MPs to be well prepared before attending a discussion about a draft law. In order to prepare themselves, the MPs should receive assistance from advisors, parliamentary technical researchers, books and the internet.

Rui Menezes MP, the Deputy President of Committee A, stated that in 2011 the National Parliament had a capacity-building program for MPs to carry out a comparative study in the United States and other countries. However after returning from overseas, new programs could not be implemented because of limited time, resources and funding. Rui Menezes MP gave the example that in the United States each MP has his/her own advisor and when debating laws all MPs were active because they received ideas and advice from advisors to propose amendments and to defend their proposals.

A similar point was raised by Fernanda Borges MP, the President of Committee A, who said that the initiative to develop capacity has to start with the MPs themselves but support is needed from political parties to carry out such a capacity-building program. Without ongoing support, MPs can't make a positive contribution to the law making process. JSMP believes that it is important for MPs to be able to understand and discuss laws before the parliament. Therefore, JSMP recommends for MPs to endeavour to prepare themselves fully before legislative debates take place.

Portuguese language continues to be an obstacle to improving the legislative process

The use of Portuguese as the principal language remains an obstacle to improving the legislative process. Article 98.1(a) of the amended Internal Rules of the National Parliament provides that a draft law must be written in one of the official languages and parliament can use another language, including the working languages, to discuss it. In reality, all laws are drafted and prepared in Portuguese. From 2002 until now all draft laws have been drafted only in Portuguese. This is a serious problem because the majority of MPs don't understand Portuguese.

Article 13 of the Constitution states that Tetum and Portuguese are the official and national languages.

Article 159 of the Constitution states that Indonesian and English are working languages that can be used for public administration alongside the two official languages, if necessary.

JSMP is extremely concerned because in reality the parliament does not follow what is written in the Constitution but rather Resolution 51/11. This resolution states that the national parliament must use Tetum and Portuguese as the official languages of the State. This resolution also states that all of the MPs must

Parliamentary Resolution No. 51/II:

The National Parliament, pursuant to articles 92 and 95.1 of the RDTL Constitution hereby authorizes the following:

... 8. In each legislative session, every month, in the plenary session, the Portuguese language shall be used;

... 9. In each legislative session, every month, one discussion at the committee level shall use Portuguese;

speak only Portuguese on Tuesdays and can use Tetum only on the other days. This resolution was produced to promote the use of Portuguese.

This resolution has caused difficulties for MPs. For example, on Tuesday 22 March 2011, Adriano do Nascimento MP found it difficult to explain his ideas in relation to the problems faced by residents in Covalima with the ongoing blackouts because the government gave projects to private entities who don't have funds to provide electricity to the community. As he found it hard to use Portuguese, he asked the President of the National Parliament to allow him to speak in Tetum.

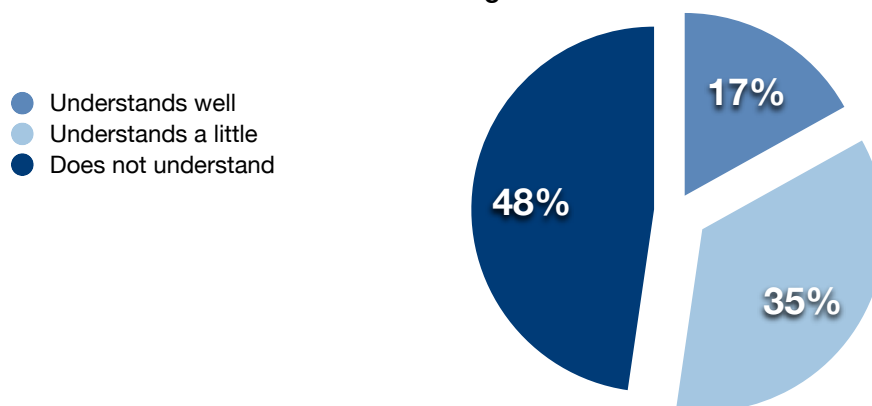
Mario Viegas Carrascalão MP, member of Committee A, who has a good understanding of Portuguese, has also raised concerns about holding hearings with civil society because most of them don't understand Portuguese. JSMP and other members of civil society constantly request Committee A to translate all of the laws into Tetum. Such situations undermine civil society's involvement in the process of debate and public consultation in the National Parliament. Often, civil society can only provide general ideas and cannot undertake in-depth and adequate analysis of laws because of the language barrier.

However, Rui Menezes MP, Deputy President of Committee A, has defended parliament's decision to keep promoting the use of Portuguese because he considers this to be a temporary problem. Although he acknowledges that he himself cannot speak Portuguese, he believes that future generations will find it easy to speak Portuguese well as they are studying Portuguese since Primary School.

JSMP values the efforts of the National Parliament to encourage all MPs to study Portuguese, however not when it obstructs the effectiveness and productivity of MPs in plenary sessions. Also, Resolution No. 51/II ignores that most of the people of Timor-Leste, who have the right to be involved in the legislative process, face substantial barriers because they don't understand Portuguese.

In 2011 JSMP had to continue organising unofficial translations of Book 3 and Book 4 of the Draft Civil Code in order to hold focus group discussion on this law in Dili and Maliana. These types of activities are carried out so that the community has an opportunity to discuss draft laws. However, in the end JSMP was late with its submission because of difficulties caused by Portuguese and the National Parliament quickly passed the Civil Code, comprising more than 2000 articles. The President of the Republic also used only one day to examine and promulgate the Civil Code.

Members of Parliament who understand Portuguese



JSMP is deeply concerned about the language barrier, for which parliament must try to find a good solution in order to support and facilitate MPs' understanding, and to facilitate the entire community's access so that they can analyse laws or issues that directly impact on their lives. JSMP also encourages all MPs to study or use Portuguese, while noting that the National Parliament is not the appropriate place for study. The National Parliament is the place to discuss the plight of the entire nation, the interests of the people and the future of the community of Timor-Leste.⁹

Minimal consultation during the legislative process

JSMP raised this issue in last year's annual report, however there has been no improvement to date in consultation during the legislative process. For example, based on JSMP monitoring in 2011, consultations on the Civil Code were not adequate because of the complexity of the law and number of articles, altogether more than 2000.

Also, JSMP continues to be deeply concerned with the exercise of the President's power of promulgation in the case of the Civil Code because the President only used one day to read and consult on the draft law before promulgation. Without addressing the constitutional competence of the President, article 88.4 of the Constitution regarding promulgation and veto states that:

Within forty days after receiving any statute from the Government for the purpose of its promulgation as law, the President of the Republic shall either promulgate the instrument or exercise the right of veto by way of a written communication to the Government containing the reasons for the veto.

JSMP very much values and praises the commitment and efforts of the government to strengthen the civil law framework. However the aforementioned law raises a number of serious problems for the community and has the potential to give rise to new conflicts in the future because the process of law-making was not well organised and there was insufficient open public consultation.

C. Parliament's human resources and facilities

The National Parliament still faces challenges due to insufficient resources to support the work of MPs. Based on JSMP monitoring, human resources are still very limited. This was highlighted in JSMP's 2010 Annual Report and remains a problem. The National Parliament only has 8 international advisors, 4 for the legal section and 4 to support financial management. Currently there is only one national advisor for issues relating to infrastructure. As recommended by JSMP last year, the National Parliament needs to have enough international and national advisors, especially to help all of the committees who still don't have a specific advisor.

Even when the National Parliament decided to increase the number of technical officers to assist MPs, the plan could not be implemented because parliamentary premises were not big enough to allow the construction of a new office to accommodate additional officers. This is an obstacle to recruiting international and national advisors to support MPs.

In relation to facilities, the Deputy President of Committee A, Rui Menezes, acknowledges that the facilities available to Committee A and the plenary are still very limited. For example, when MPs vote on a law they have to raise a red, blue or green card that has been provided to them so that the officers can count the

⁹ Refer to JSMP Press Release, 'The National Parliament starts to implement the use of Portuguese in plenary sessions on Tuesday 22 March 2011': <www.jsmp.minihub.org>

votes. This means that the parliament is using a manual system, in contrast to developed countries that use an electronic voting system which automatically provides the results.

In addition, most of the books in the library of the National Parliament are only in Portuguese. This causes difficulties for MPs because most of them don't have a good understanding of Portuguese.

JSMP acknowledges that the officers of the Secretariat who support the plenary and Committee A, including the public relations and media officers, have been working well for the last two years and we hope that the good relationship with JSMP will continue into the future.

3. KNOWLEDGE OF THE PEOPLE ABOUT THE PARLIAMENTARY SYSTEM

JSMP continues to be concerned with the level of understanding in the community because many people don't have a good understanding about the parliamentary system in Timor-Leste or the activities of the parliament and government. Based on JSMP monitoring, training and information-sharing activities, it appears that the majority of Timorese people don't have a good understanding of the work of the legislative body, the functions of parliament in overseeing government programs and the duty of the National Parliament to make policies. This section explains JSMP activities in the community and the observations made.

A. JSMP activities in the community

In 2001, JSMP conducted a range of activities in the community to improve people's understanding about the parliamentary system and to involve the community in the legislative process.

Focus Group Discussions

JSMP organised two Focus Group Discussion (FGD) activities in Dili and Bobonaro districts. The two FGDs focused on the draft Civil Code, particularly on Book III regarding 'Property Rights'. The main aim of the FGDs was to obtain input or ideas from the community and to gain an understanding of the opinions of community leaders (Village Chiefs) and civil society regarding the draft Civil Code, which was being discussed in parliament. The FGDs also provided an opportunity to discuss other opinions or ideas regarding the role and duty of the parliament and government in relation to the legislative process undertaken by these two bodies during the second legislature. FGDs are important because often members of the community don't have adequate opportunities to participate in the legislative process or give their opinions on draft laws. The participants demonstrated their desire to take part in public consultations regarding draft laws and to influence the drafting process.

JSMP used the FGDs to compile relevant ideas, suggestions and concerns regarding the draft Civil Code in a submission that was delivered to the National Parliament so that MPs could consider the important issues identified by JSMP before approving this draft law.

Workshops

In 2011, JSMP organised two workshops in Bibileo Village, Viqueque District and Hataz Village, Bobonaro District. The aim of the two workshops was to facilitate discussion with the participants regarding the legislative process in Timor-Leste and the duties of MPs who produce legislation, conduct oversight and make policies.

During these two discussions, the participants asked JSMP to continue these workshops for residents in other villages in order to share information with community members who don't understand the duties of the National Parliament. Several participants asked JSMP to include additional information about law, justice and human rights because the availability of such information is limited in rural areas.

The participants also used the opportunity to recommend for parliament to hold consultations on all draft laws originating from the parliament and the government, especially laws relating to land and property, which is a problem across the country. The participants also asked MPs to oversee government projects in infrastructure and education because conditions continue to deteriorate, even though the National Parliament has approved a significant budget for the implementation of such projects.

Dissemination of information

Information dissemination activities are aimed at providing information contained in JSMP press releases, submissions, proposals and parliamentary bulletins, as well as other relevant information on the duties of the National Parliament in the area of justice and human rights to communities and students. The main objective of these activities is to increase and strengthen the understanding of the community and students regarding the duties of the National Parliament and other organs of sovereignty, such as the duties and roles of the President, the government and the courts. This is important because JSMP observed last year that the majority of people were confused about the respective responsibilities of each organ of sovereignty, especially those of the parliament and the courts.

In 2011 JSMP conducted 5 information sharing events, in Bibileo Village, Hataz Village and three senior high schools located in Maubisse, Aileu and Liquica. Participants from the villages of Bibleo and Hataz recommended that the MPs should be asked to conduct oversight and supervision of government programs at the level of each village and sub-village. To date, MPs have not gone to these levels to supervise government programs or consult with community members about specific laws. The participants said that until now they haven't had an opportunity to meet with MPs.

Participants of the information dissemination activities from the senior high schools recommended that MPs should visit the districts to have a closer look at the difficulties and suffering faced by community members in their daily lives so that they can better understand and plan how to resolve these issues. The students also asked JSMP to convey the problems faced by students, such as limited facilities that often impact on the learning-teaching process. The students asked JSMP to convey these issues to Committee F of the National Parliament, which deals with health, education and culture, so that it will oversee schools in the entire territory of Timor-Leste.

National Seminar

On 24 October 2011, JSMP organised a national seminar on the theme 'The role of the National Parliament in its capacity as a supervisory and political decision-making body'. The main objective of this seminar was for members of the public to get to know their representatives and hear the opinions of the MPs and their political visions approaching the 2012 elections. The seminar also enabled an exchange of opinions regarding progress and challenges encountered by both sides (MPs and community members) in order to bring together different ideas to respond to challenges and to make further improvements in the future.

Speakers at the national seminar included the Deputy President of the National Parliament, Vicente da Silva Guterres MP from the AMP, Fernanda Mesquita Borges MP, President of Committee A, and Francisco M. Branco MP from the opposition party Fretilin. Participants who attended the national seminar included community leaders from Viqueque, Manatuto, Liquica and Bobonaro districts, as well as village chiefs from the District of Dili.

The participants made the following recommendations to the National Parliament:

- Ask MPs to increase their oversight activities in rural areas in order to examine closely what is further required and the progress of development in the communities and listen to people's concerns.
- Recommend that MPs and the government, through the relevant ministries, increase their public consultation activities on draft laws before debate and approval.

- Encourage MPs and the government, through the relevant ministries, to conduct socialisation activities on laws that are approved and gazetted so that the people can understand and comply with the law.

B. JSMP's observations through the community activities

Through these activities, JSMP observed that the National Parliament does not yet have an effective awareness-raising program to help members of the community understand the role of parliament regarding the drafting of legislation, oversight and developing national policies. JSMP is concerned with this situation because MPs represent the people, however the people don't understand what their representatives do. As stated in JSMP's 2010 report, JSMP believes that this problem undermines the transparency and accountability of the parliamentary system. It is important that the people have the capacity and information to make good decisions during parliamentary elections.

JSMP observed that the participants from the capital Dili had a better understanding than those from other districts. This is based on the results of observing participants who attended the FGDs and the national seminar organised by JSMP in 2011. Through this program, JSMP observed that participants from Dili participated more actively in discussions and clearly conveyed information about what is actually taking place in the National Parliament and the government, including other public information. Participants from other districts demonstrated minimal understanding of what is actually taking place in the parliament and government.

JSMP believes that there is a difference between those who live in Dili and those that reside in the districts because those in Dili can access information by following discussions on the State budget that are transmitted live via Timor-Leste Radio and Television. However not everyone residing in Dili, and even less in the districts, can exercise their right to information regarding the legislative process and discussions on political decisions that impact on their lives.

Participants conveyed the following opinions and understanding about the parliamentary system:

- Participants believed that MPs only represent the people who elected them. Therefore if the people have a problem, they can only convey this problem to the party that they voted for, not to all MPs. Therefore, the participants did not believe that when a problem occurs in the community all MPs should be willing to listen to their concerns.
- The participants believed that the National Parliament is a body that implements activities and projects, and is not a legislative body. Therefore, members of the community continuously demand for MPs to build schools, fix damaged roads and build new roads, supply clean water and deal with other concerns that are the responsibility of the government.
- Some participants believed that the National Parliament is a judicial body that can provide justice for them in the same way that the courts provide justice.
- Participants also believed that when the parliament conducts oversight functions, public consultations and other activities at the grass-roots level, these activities are like political party campaigning which they carry out to influence the people to choose their political party. Participants believed that consultation is not part of the work of the parliament and the government.

CONCLUSION AND RECOMMENDATIONS

2011 was a dynamic year for the National Parliament of Timor-Leste because in addition to achieving significant progress with the approval of a range of laws, it also provided substantial criticism of government programs, through the opposition bench and individual MPs from the majority ruling coalition AMP. It was a positive step that MPs started to openly criticise government programs to ensure accountability and transparency. Another positive step was that the people could more easily access information about the daily work of the parliament through the Secretariat of the National Parliament.

Other developments included MPs giving priority to discussing several laws, such as the Civil Code, which the parliament finally established a special Ad Hoc committee to progress. However, JSMP is concerned because several articles in this law do not reflect the real conditions in Timor-Leste and also because insufficient time and provisions were afforded to the committee process. In the future, JSMP hopes that the parliament and the government can firstly develop policies based on thorough analysis, substantial public consultations and the real situation in Timor-Leste. Only after this should the government and the parliament start to draft laws.

Although much progress was achieved during 2011, the National Parliament continued to face a range of challenges throughout the year. These problems were specifically related to facilities, infrastructure, human resources, limited advisors and officials to support the activities of the committees and the availability of translators. Also, MPs continued to face challenges with Portuguese which is used to draft all laws. JSMP hopes that the new parliament and government will start drafting laws in Tetum in accordance with the intention of article 13 of the Constitution, which states that the official national languages are Tetum and Portuguese.

Based on the analysis of these issues in this report, JSMP offers the following recommendations for future consideration:

- 1. National Parliament needs to recruit more national and international advisors to better assist MPs during the law-making process.**
- 2. National Parliament needs to increase the number of officials, particularly to assist parliamentary committees to conduct oversight functions.**
- 3. National Parliament must increase Tetum and Indonesian resources in the parliament library so that MPs can understand and use these resources.**
- 4. National Parliament and the government must prepare all documents, including draft laws, in the two official languages, including Tetum.**
- 5. National Parliament must sanction MPs who often breach the official working hours.**
- 6. National Parliament and the government need to engage in open and substantial consultation with relevant stakeholders on draft laws and enable the community to participate in this process.**
- 7. MPs must become more active and creative in the legislative process and also prepare better. To achieve this, MPs should undertake capacity-building programs in order to**

further increase their understanding of the legislative process, oversight function and how to make decisions in accordance with the Constitution, laws and the Timor-Leste context.

8. National Parliament and the government have to develop an effective awareness-raising program on Timor-Leste's system of democracy, laws, legislative process and political rights, through civic education starting at primary school and continuing for the entire community. This is the government's responsibility however MPs can also contribute to this program.
9. National Parliament and the government need to have a good plan to support the State Budget process to enable constructive input from MPs and so that it only needs to be approved once a year and the process is more efficient and effective.
10. MPs in the next legislature should give special attention to important draft laws that are still held up in parliament, such as the draft law on a National Reparations Program and the draft law on the Establishment of an Institute of Public Memory.

ANNEX

A. The Parliamentary System and the Legislative Process in Timor-Leste

Timor-Leste is a State based on the rule of law. The Constitution establishes a semi-presidential system of governance that follows the system of a separation of powers and interdependence between the organs of sovereignty: the President, the National Parliament, the Government and the courts.¹⁰ The functions and the authority of the State are separated between these organs of sovereignty.

The National Parliament is the organ that represents all Timorese citizens and is vested with legislative, supervisory and political decision making powers.¹¹ The people elect members of the National Parliament through democratic elections. The National Parliament is to have a minimum of 52 and a maximum of 65 members.¹² Currently, the National Parliament has 65 MPs. The National Parliament is split into two sections, the plenary and the committees. Plenary sessions are where all MPs meet together in one room. Normally, plenary sessions are held on Mondays and Tuesdays.¹³ However, if there are specific and important issues to address, a plenary session can be convened on other days and is normally referred to as an 'Extraordinary Plenary Session'.

Committees are groups of MPs from parliamentary factions or political parties. Each committee has between 7–12 members and discusses a range of issues. Committee meetings are held on Wednesdays and Thursdays and are led by the President of the Committee.¹⁴ Currently, the National Parliament has nine Committees.¹⁵ JSMP only monitors Committee A (which deals with constitutional affairs, justice, public administration, local power and government legislation).

The committees have responsibility to examine draft laws that are referred to it by the plenary (see below diagram). Usually, the committees consult with the people and organisations that have an interest in the draft law. The committees will write reports based on these consultations and recommend any changes to the draft law. The reports are presented to the plenary for consideration.

Article 97(1) of the Constitution provides that the National Parliament - the MPs and the parliamentary factions - and the government both have power to commence the legislative process. The National Parliament has primary competence to make laws on national and foreign policy.¹⁶ Parliament can also authorise the government to draft laws on specific areas.¹⁷

¹⁰ Article 69 of the Constitution.

¹¹ Article 92 of the Constitution.

¹² Article 93 of the Constitution.

¹³ Amended Rules of Procedure of the National Parliament, article 46.1 (a).

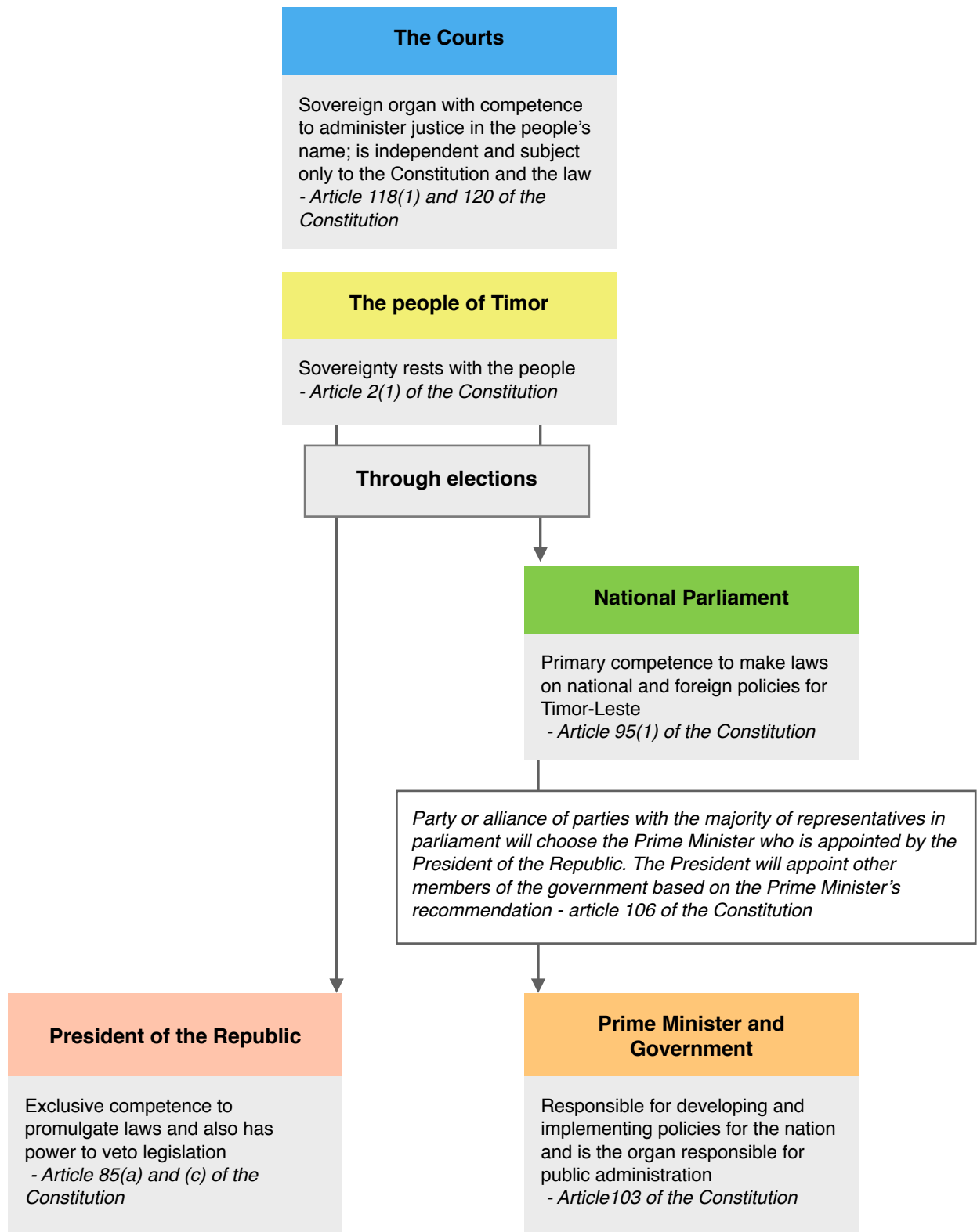
¹⁴ Amended Rules of Procedure of the National Parliament, article 46.1 (b).

¹⁵ A. Committee for Constitutional Affairs, Justice, Public Administration, Local Power and Government Legislation; B. Foreign Affairs, Defense and National Security; C. Economy, Finance and Anti-Corruption; D. Agriculture, Fisheries, Forestry, Natural Resources and the Environment; E. Poverty Reduction, Rural and Regional Development & Gender Equality; F. Health, Education and Culture; G. Infrastructure and Social Equipment; H. Youth, Sports, Employment and Vocational Training; I. Internal Regulation, Ethics and Mandate of Parliamentarians.

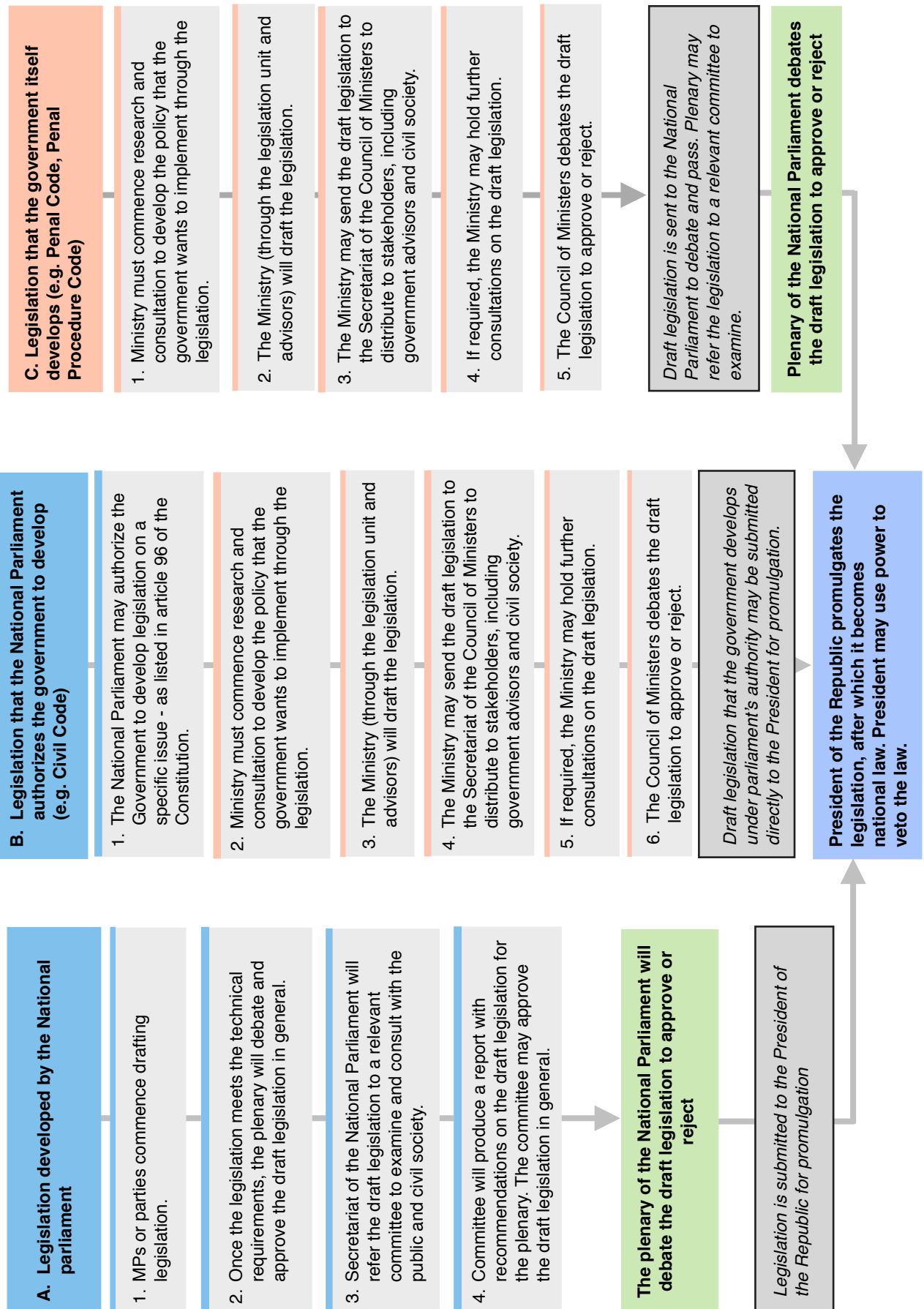
¹⁶ Article 95 of the Constitution.

¹⁷ Article 96 of the Constitution.

Summary - System of Democracy in Timor-Leste



Summary - Legislative Process



B. Statistics and graphs about the National Parliament in 2011

Laws that received final approval in 2011

Date of approval	Law	Vote		
		For	Against	Abstain
7 February 2011	Law No. 2/2011, Second Amendment to Law No. 3/2006 on the Statute of National Liberation Combatants	40	0	2
12 April 2011	Law No. 3/2011 on the Organic Law for the President of the Republic	27	3	7
15 March 2011	Law No. 4/2011 on Crimes of Monopolization and Speculation	27	1	13
12 April 2011	Law No. 5/2011 on the Organic Law of the Central Bank of Timor-Leste	34	0	4
26 April 2011	Law No. 6/2011, First Amendment to Law No. 5/2006 on Organs of Electoral Administration	34	0	1
28 April 2011	Law No. 8/2011, Second Amendment to Law No. 7/2006 on Election of the President of the Republic	30	0	4
4 May 2011	Law No. 7/2011, Second Amendment to Law No. 6/2006 on Election of National Parliament	39	0	1
13 June 2011	Law No. 11/2011, First Amendment to Statute of Public Prosecutor's Office	25	3	8
6 July 2011	Law No. 9/2011 regarding the Organic Law for the High Administrative, Tax and Audit Court	37	7	2
16 August 2011	Law No. 15/2011 on International Penal Judicial Cooperation	38	0	1
23 August 2011	Law No. 10/2011 on Approving the Civil Code	27	1	14
23 August 2011	Law No. 12/2011, First Amendment to Law No. 9/2005 on the Petroleum Fund	31	0	5
24 August 2011	Law No. 13/2011 on Public Debt Regime	31	4	2
7 September 2011	Law No. 14/2011 on Private Investment	35	0	2
25 November 2011	Law No. 16/2011 on Adopting the 2012 State Budget	39	20	1
13 December 2011	Law No. 17/2011 on Legal Regime Covering the Prevention of and Combat Against Money Laundering and Financing of Terrorism	32	0	4
19 December 2011	Draft Law No. 55/II on Legislative Approval for Environmental Problems (This law has not yet been approved and published in the State Gazette)	23	1	10

Date of approval	Law	Vote		
		For	Against	Abstain
20 December 2011	Draft Law No. 39/II on the Labor Law (This law has not yet been approved and published in the State Gazette)	31	0	3

Draft laws awaiting passage in the National Parliament at the end of 2011

Draft law	Date entered into Parliament	Status of debate
Draft Law No.34/II on the Special Regime for Defining Ownership of Real Property	6 April 2010	Article by article discussion in Committee A commenced on 28 August 2011
Draft Law No. 35/II on Expropriation	6 April 2010	Article by article discussion in Committee A commenced on 28 August 2011
Draft law No. 36/II on Asset Freezing	6 April 2010	Article by article discussion in Committee A commenced on 28 August 2011
Draft Law No.20/II on the Establishment of an Institute of Public Memory	16 June 2010	Article by article debate in plenary suspended twice since 14 February 2011
Draft Law No. 19/II on the National Program for Reparations	16 June 2010	Article by article debate in plenary suspended twice since 14 February 2011
Draft Law No.9/II on Armament	6 June 2008	Vote suspended
Draft Law No.7/18 on Local Authority	3 March 2009	Vote suspended
Draft Law No.7/19 on Municipal Elections	3 March 2009	Prepared for discussion and general vote
Draft Law No. 51/II on Transitional Regime for Social Security for the Elderly, Disabled and Deceased Civil Servants	6 June 2011	Presented to Committee A
Draft Law No. 50/II on Industrial Action	30 May 2011	Presented to Committee A to prepare report within 3 weeks, commencing from 30 May 2011
Proposed Law No. 21/II on Anti-Corruption	8 November 2011	Presented to Committees C and A on 8 November 2010

Draft law	Date entered into Parliament	Status of debate
Draft Law No. 32/II on President of State Protocol	1 March 2010	Awaiting debate by parliament since 6 July 2010

Resolutions approved in 2011

Date of approval	Resolution	Vote		
		For	Against	Abstain
10 January 2011	Resolution No. 57/II on the State Visit of the President of the Republic to Israel and Palestine	46	1	4
28 February 2011	Resolution No. 58/II on solidarity and support for the people of Sahara	38	0	1
21 March 2011	Resolution No. 60/II on the State Visit of the President of the Republic to Cambodia and Thailand	35	0	2
22 March 2011	Resolution No. 61/II on substitution of member of National Parliamentary Working Group to the Community of Portuguese Speaking Countries	34	0	3
6 April 2011	Resolution No. 62/II on suspension of Vice Prime Minister José Luis Guterres	38	16	4
18 April 2011	Resolution No. 63/II on requirements to guarantee performance of the Public Prosecutor	29	2	7
30 May 2011	Resolution No. 65/II on national attributes relevant to the people of Timor-Leste	31	0	3
30 May 2011	Resolution No. 66/II on awarding citizenship to S.A.R. Dom Duarte de Bragança for his dedication to serving the people of Timor-Leste	32	0	2
13 June 2011	Resolution No. 67/II on institutional communication between UN and EU and Timor-Leste	36	2	1
14 June 2011	Resolution No. 68/II on the State Visit of the President of the Republic to the Republic of Angola and the Republic of Cape Verde	34	0	1
21 June 2011	Resolution No. 69/II on the reduction of and interruption to the normal sitting period of the second legislative term	30	18	0
21 June 2011	Election to the Council of the National Intelligence Service of Timor-Leste	45	2	3

21 June 2011	Election to the High Council of the Public Prosecutor	37	7	5
8 August 2011	Resolution No. 71/II on the State Visit of the President of the Republic to Myanmar	14	0	1
29 August 2011	Resolution No. 72/II on the State Visit of the President of the People's Republic of China	27	2	5
29 August 2011	Resolution No. 73/II on the promotion of teaching the official language to consolidate unity and identity	31	0	3
29 August 2011	Resolution No. 74/II on the ratification and nomination to the Court of Appeal in accordance with article 95.3(a) of the Constitution.	29	0	5
14 September 2011	Resolution No. 75/II on the 2012 Budget for the National Parliament	35	3	9
10 October 2011	Resolution No. 76/II on the State Visit of the President of the Republic to India	27	5	14
4 November 2011	Resolution No. 78/II on the approval of the State Public Accounts for 2010	32	12	2
10 November 2011	Resolution No. 79/II on the State Visit of the President of the Republic to Indonesia	34	0	16
23 November 2011	Resolution No. 80/II on the State Visit of the President of the Republic to the Republic of South Korea	27	5	14

Proposed resolutions awaiting approval at the end of 2011

Draft resolution	Dated entered into parliament	Status
Draft Resolution No.70/II on the suspension of member of government, Sr. Arcangelo Leite, Minister of State Administration and Regional Planning	21 June 2011	On agenda for plenary vote on three occasions since 6 July 2011
Draft Resolution No.33/II on the convention to reduce cases of statelessness	13 August 2009	Presented to Committee A on 13 August 2009
Draft Resolution No.32/II on the Convention on the status of stateless persons	13 August 2009	Presented to Committee A on 13 August 2009
Waiving immunity for Cornelio Gama da Conceição MP to appear before the District Court of Baucau	12 April 2011	Being deliberated in Committee I since 12 April 2011

Other approvals by the National Parliament

Date of approval	Name	Vote		
		For	Against	Abstain
31 May 2011	Proposal from Committee I to allow MP Jose Teixeira to testify before the Dili District Court	35	0	0
11 July 2011	Strategic Development Plan * Fretilin walked out of the vote	41	0	0 *

Laws approved in Committee A

Date of approval	Draft Law	Vote			Status
		For	Against	Abstain	
27 April 2011	Draft Law No. 48/II on the Organic Law for the President of the Republic	6	0	2	Passed in plenary
1 June 2011	Draft electoral laws:	5	2	0	
	- Draft Law No. 43/II, First Amendment to Law No. 5/2006 on Organs of Electoral Administration	5	2	0	Passed in plenary
	- Draft Law. 44/II, Second Amendment to Law No. 6/2006 on Election of National Parliament	5	2	0	Passed in plenary
	- Draft Law No. 45/II, Second Amendment to Law No. 7/2006 on Election of the President of the Republic	5	2	0	Passed in plenary
1 June 2011	Draft Law No. 46/II, First Amendment to Statute of Public Prosecutor's Office	7	1	0	Passed in plenary

Composition: Committee A in 2011

Name	Party	Position in Committee
Fernanda Misquita Borges	PUN	President of Committee A
Rui Menezes	PD	Vice-President of Committee A
Carmelita Caetano Moniz	CNRT	Secretary of Committee A
Vicente da Silva Guterres	CNRT	Member
Natalino dos Santos	CNRT	Member
Arão Noe de Jesus	CNRT	Member
Aniceto Guterres	Fretilin	Member
Antonino Bianco	Fretilin	Member
Domingos Maria Sarmento	Fretilin	Member
Teresa de Carvalho	ASDT	Member
Manuel Tilman	KOTA	Member
Cornelio Gama "L-7"	UNDERTIM	Member
Mario Viegas Carascalão	PSD	Member