



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

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Committee A of the National Parliaments organised a public consultation on the Draft Law on Local Power and Administrative Decentralization and the Municipal Elections Law

Committee A of the National Parliaments organised a public consultation on the Draft Law on Local Power and Administrative Decentralization and the Municipal Elections Law in Covalima Municipality. This consultation was attended by local authorities, municipal directors, village chiefs, representatives of the business community and representatives of political parties in the aforementioned municipality.

When introducing these two laws the President of Committee A, MP Carmelita C. Moniz, stated that it is important to hold a consultation regarding the Draft Law on Local Power and Administrative Decentralization and the Municipal Elections Law. Therefore, it is necessary to hear the thoughts of all parties to produce a good quality law that reflects everybody's interests. The aforementioned MP also stated that these two laws were vetoed by the President of the Republic, Mr. Francisco Guterres Lu-Olo, during the third legislature. The President of the Republic stated that the reason for the veto was that Article 50.2 of the aforementioned Draft Law did not fulfil legal and democratic requirements and the President of the Republic stated that all members of municipal assemblies need to be elected through elections.

“JSMP really appreciates the National Parliament, particularly Committee A, for promoting public participation in the law making process to ensure that the laws produced by the National Parliament reflect the reality and interests of all people,” said the Acting Director of JSMP, Casimiro dos Santos.

JSMP also believes that when Timor-Leste implements administrative decentralization there is the potential for corruption to flourish, therefore it is important for the National Parliament to concentrate and produce a Law Against Corruption first and foremost before engaging in the total decentralization of State administration. Therefore, the State, in particular the Public Prosecution Service and Anti-Corruption Commission (CAC), will have sufficient power to prevent and combat corruption.

During this discussion, participants raised concerns about Article 50 of the Draft Law on Local Power and Administrative Decentralization regarding the 5 veteran representatives in the Municipal Assembly who are not elected members and do not have the right to vote, as well as concerns about the division of wealth between the municipalities, the relationship between the municipalities and competencies linked to international relations with other countries.

In response to these issues the President of Committee A stated that these concerns were valid and would be taken into consideration and would be included in a report to be discussed by Committee A in relation to these two laws.

Meanwhile Article 50.2 on the composition of the assembly deals with rights and the five veterans have the same rights as the other members of the assembly except for the right to vote. The President of Committee A explained that the intention of this article is to consider that veterans play a very important role in this nation and they founded this nation and therefore their ongoing involvement is required so that they can contribute to this nation.

In relation to the distribution of wealth between the municipalities, the MP explained that there will be more laws in the future to complement his law. For example, one is the draft law on mining that will deal with issues linked to the percentages that will be given to the municipalities and how much will go into State coffers to be distributed to other municipalities, because they are interdependent. Therefore the central government will consider how to distribute the wealth equally without discrimination.

Meanwhile the relationship between the municipalities will be established based on the interests of the municipalities and what relationships they want to create with other municipalities. International relations will be also regulated through a number of rules that the municipalities can produce. However, they will not be able to produce certain rules, and the central government has the competence to do this.

During this consultation JSMP also noted that the technical team and MPs of did not prepare the draft law materials in Tetum which is one of the official languages that the communities are familiar with and understand and they did not provide a summary regarding the importance of these two laws which could provide concise information to help the participants discuss this matter.

In addition, the materials or the draft laws were not distributed prior to the public consultation to enable the participants to read and properly understand the intention of the articles set out in these laws.

Therefore, JSMP recommends for the National Parliament, particularly Committee A., to improve the way consultations are carried out, and in particular to provide these materials beforehand in Tetum and summarise the laws that would help enable the participants to actively participate in this public consultation process. JSMP also requests for Committee A to continue organising public consultations on these two draft laws in other municipalities to consider opinions before moving on to discussion and approval in the plenary.

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