



Press Release

25 November 2020

Public consultation on the Draft Law on Local Power and Administrative Decentralization and the Municipal Elections Law

JSMP recommends for documents to be prepared in Tetum and distributed beforehand to participants

On Friday 20 November 2020 Committee A of the National Parliament held a public consultation on the Draft Law on Local Power and Administrative Decentralisation and the Municipal Elections Law in Bobonaro 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 President of Committee A, His Excellency MP Joaquim dos Santos “Boro Luli”, gave consideration to those attending the consultation to hear about these two laws, namely because these laws will have direct implications on the work of the municipal authorities. Therefore, it is necessary to hear the thoughts of all parties to produce good quality laws that respond to the interests of all parties.

“JSMP applauds the initiative of Committee A of the National Parliament for continuing to promote public participation in the law-making process and JSMP believes that this mechanism is very appropriate. However, JSMP requests for draft laws to be translated into Tetum and distributed beforehand to help participants engage in discussion so that these laws can truly reflect the interests of the entire community,” said the Executive Director of JSMP, Ana Paula Marçal.

President of Committee A also stated that these two laws were vetoed by the President of the Republic, Francisco Guterres Lu-Olo, during the third legislature on the grounds that Article 50.2 did not fulfil legal and democratic requirements and it was considered that members of the municipal assemblies should all be elected via an election and there were other reasons that could be included regarding the preparation of municipalities to accept power delegated to them by the Central Government.

During the discussion, the participants raised concerns regarding the provisions of Article 33 about the delegation of powers, and they asked why there should be limitations, and Article 50 about 5 veterans representatives who will become members of the Municipal Authority without being elected and they also expressed regret that these two draft laws were not distributed before

the discussion, as well as concerns about the commitment of the Parliament to discuss and approve these laws.

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. Regarding the delegation of competencies, the President of Committee A said that not all competencies would be given immediately, because some of these competencies cannot be decentralised by the Government, namely regarding issues of security and defence, international relations, natural resources and justice. Meanwhile, in relation to Article 50.2 that mentions 5 veterans and that there is no right to vote, the MP from Committee A explained that this actually undermines democracy, however the intention of including this article was to consider the very important role of veterans in this country and the MPs will take note of this concern so it can be discussed and decided on by the Committee.

During this consultation JSMP also noted that the technical team and MPs 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 engage in the discussion process.

Therefore, JSMP recommends for the National Parliament, particularly Committee A, to improve the mechanism for public consultations, and to specifically prepare materials in Tetum and provide a short summary of the laws to be distributed beforehand, to help participants to actively engage in this process of public discussion.

According to the agenda, Committee A of the National Parliament will hold a similar public consultation with local authorities in Ermera Municipality on 25 November 2020.

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