

LAW No. 4/2016
of May 25

FIRST AMENDMENT TO LAW No. 11/2009, OF OCTOBER 7
ADMINISTRATIVE DIVISION OF THE TERRITORY

Despite what its title, "Administrative Division of the Territory", suggests, Law No. 11/2009, of October 7, dealt with local governments and not with the actual administrative division of the territory. A single article referred to the administrative division, to build on the idea that the territorial circumscription referred to therein served as the basis for the unity of local governments that the law created.

It is now understood that a true law of administrative division of the territory is necessary, which is one of the reasons that justify the amendment of the aforementioned Law, which starts to deal exclusively with this matter, leaving the matter of local governments to other laws. Thus, the matter related to local governments is purged from the law.

Furthermore, after four years since the date of publication of the aforementioned legal diploma, it appears that, by excluding the provision of sub-municipal administrative circumscriptions, it will make it difficult to design a model of public administrative organization that adequately complies with the principles of administrative de-concentration and decentralization, constitutionally enshrined, but also compliance with the provision set out in article 137, paragraph 2 of the Constitution of the Republic, which expressly provides that "Public Administration is structured in order to avoid bureaucratization, bring services closer to the population and ensuring the participation of stakeholders in their effective management".

The organization of the local administration of the State will only make sense if it can take a set of services to provide to an infra-municipal level, thereby favoring a more effective and efficient provision of public services to citizens.

With this reality and perspective in mind, the present legal diploma, preserving the administrative division of the territory into thirteen first-level circumscriptions already provided for, 12 municipalities and a special administrative region, reintroduces the existing sub-municipal administrative circumscription at the date of entry into force of the Law 11/2009, of October 7, this time under the name of administrative post.

Thus, the National Parliament decrees, under the terms of point g) of paragraph 2 of article 95 of the Constitution of the Republic, to be enforced as law, the following:

Article 1
Amendments

Articles 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23 and 24 of Law No. 11/2009, of 7 October are replaced by the following:

«Article 1

General administrative division of the territory

1. The territory of the Democratic Republic of Timor-Leste is administratively divided into municipalities and the special administrative region of Oe-Cusse Ambeno.
2. Municipalities and the special administrative region are formed by administrative posts.

Article 2

Concepts

1. The special administrative region is an administrative circumscription that serves as the basis for the territorial organization of the bodies and services of the Regional Administration of OeCusse Ambeno.
2. Municipalities are administrative circumscriptions for the organization of local State administration and constitute the territorial base of local authorities in the Democratic Republic of Timor-Leste.
3. Administrative posts are administrative circumscriptions immediately below the municipality, and aim to guarantee the effective proximity of Public Administration services to the population and to ensure the greater participation of citizens in the realization of their local interests.

Article 4

Identification of first-level administrative districts

1. The territory of the Democratic Republic of Timor-Leste comprises the following top-scale administrative divisions:
 - a) Municipality of Aileu;
 - b) Municipality of Ainaro;
 - c) Municipality of Baucau;
 - d) Municipality of Bobonaro;
 - e) Municipality of Covalima;
 - f) Municipality of Dili;
 - g) Municipality of Ermera;
 - h) Municipality of Lautém;
 - i) Municipality of Liquiçá;
 - j) Municipality of Manatuto;
 - k) Municipality of Manufahi;
 - l) Municipality of Viqueque;
 - m) Oe-Cusse Ambeno Special Administrative Region.
2. The administrative posts identified in articles 5 to 17 are second-scale territorial administrative divisions.

Article 5

Municipality of Aileu

1. The municipality of Aileu integrates the administrative posts of Aileu, Laulara, Liquidoé and Remexio, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Aileu will have an administrative center in Aileu.

Article 6

Ainaro Municipality

1. The municipality of Ainaro integrates the administrative posts of Hatu-Udu, Ainaro, Hatu-Builico and Maubisse, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Ainaro will have an administrative center in Ainaro.

Article 7

Municipality of Baucau

1. The municipality of Baucau integrates the administrative posts of Baguia, Baucau, Laga, Quelicai, Vemasé and Venilale, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Baucau will have an administrative center in Baucau.

Article 8

Bobonaro Municipality

1. The municipality of Bobonaro integrates the administrative posts of Atabae, Balibó, Bobonaro, Cailaco, Lolotoe and Maliana, whose territorial areas correspond to those of the previous sub-districts with the same denomination.
2. Bobonaro municipality will have an administrative center in Maliana.

Article 9

Municipality of Covalima

1. The municipality of Covalima integrates the administrative posts of Fatulúlic, Fatumeán, Fohorém, Maucátar, Suai, Tilomar and Zumalai, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Covalima will have an administrative center in Suai.

Article 10

Dili Municipality

1. The municipality of Díli integrates the administrative posts of Ataúro, Cristo-Rei, Dom Aleixo, Na'i-Feto, Metinaro and Vera Cruz, whose territorial areas correspond to those of the previous subdistricts with the same denomination.
2. The municipality of Dili will have an administrative center in Dili.

Article 11

Municipality of Ermera

1. The municipality of Ermera integrates the administrative posts of Atsabe, Ermera, Hatolia, Letefoho and Railaco, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Ermera will have an administrative center in Gleno.

Article 12

Municipality of Lautém

1. The municipality of Lautém integrates the administrative posts of Iliómar, Lautém, Lospalos, Luro and Tutuala, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. Ilhéu de Jaco is part of the municipality of Lautém.
3. The municipality of Lautém will have an administrative center in Lospalos.

Article 13

Municipality of Liquiçá

1. The municipality of Liquiçá integrates the administrative posts of Bazartete, Liquiçá and Maubara, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Liquiçá will have an administrative center in Liquiçá.

Article 14

Municipality of Manatuto

1. The municipality of Manatuto integrates the administrative posts of Barique, Lacló, Laclúbar, Laleia, Manatuto and Soibada, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The territory of the Barique administrative post corresponds to the territory previously called Natarbora sub-district.
3. The municipality of Manatuto will have an administrative center in Manatuto.

Article 15

Manufahi Municipality

1. The municipality of Manufahi integrates the administrative posts of Alas, Fatuberliu, Same and Turiscai, whose territorial areas correspond to those of the previous sub-districts with the same denomination.
2. The municipality of Manufahi will have an administrative center in Same.

Article 16

Municipality of Viqueque

1. The municipality of Viqueque integrates the administrative posts of Lacluta, Ossu, Uato-Lári, Uato-Carbau e Viqueque, whose territorial areas correspond to those of the previous sub-districts with the same name.
2. The municipality of Viqueque will have an administrative center in Viqueque.

Article 17

Oe-Cusse Ambeno Special Administrative Region

1. The special administrative region of Oe-Cusse Ambeno integrates the administrative posts of Nítibe, Oessilo, Pante Macáassar and Pássabe, whose territorial areas correspond to those of the previous sub-districts with the same denomination.
2. The special administrative region will have an administrative center in Pante Macáassar.

Article 19

Requirements

1. The creation, modification and extinction of administrative circumscriptions depends on the law and must consider:
 - a) [...]
 - b) [...]
 - c) [...]
 - d) [...]
 - e) [...]
 - f) The existence of an administrative center that allows the installation of Local Administration services.
2. The creation, modification or extinction of administrative circumscriptions is not allowed whenever it implies, for the respective units of local power, a reduction of the revenues necessary to carry out the attributions that are legally incumbent upon them.

Article 20

Municipality creation requirements

In addition to the requirements provided for in the previous article, the creation of new municipalities depends on compliance with the following requirements:

- a) [...]
- b) [...]

Article 21

Creation and modification of administrative districts

1. New administrative circumscriptions can be created through:
 - a) Merger of two or more administrative circumscriptions;
 - b) Division of an administrative circumscription into two or more administrative circumscriptions.
2. Administrative districts may be modified by integrating part of an administrative constituency into another administrative constituency.

Article 22

Initiative to create or modify administrative districts

1. The initiative to create or modify administrative circumscriptions is a responsibility of:
 - a) Members of the National Parliament;
 - b) Parliamentary Benches;
 - c) The Government;
 - d) The deliberative body of the Special Administrative Region of Oe-Cusse Ambeno;
 - e) The deliberative organs of Local Governments;
 - f) Citizens.
2. The initiative foreseen in the previous number takes the form of:
 - a) Draft law when exercised by Members of the National Parliament and Parliamentary Benches;
 - b) Draft law when exercised by the Government;
 - c) Petition to the National Parliament, signed by at least thirty percent of voters registered in the geographical units of voter registration included in the administrative districts covered by the initiative, when subscribed by citizens;
 - d) Petition to the National Parliament, presented by the deliberative organ of the Special Administrative Region of OeCusse Ambeno, following a resolution approved by the absolute majority of the members in office;
 - e) Petition to the National Parliament, presented by Organs deliberative bodies of the Local Power, following a resolution approved by the absolute majority of its members in office.
3. The initiative must provide for the territorial delimitation of the administrative circumscription, its name, as well as the respective administrative center.
4. Modification or creation of administrative circumscriptions cannot take place in the six months preceding national or municipal elections.
5. The petition follows the procedure provided for in the National Parliament and, being voted in favor, gives rise to a bill, to be presented within a period not exceeding six months.

Article 23

Territorial limits

1. [...].
2. It is the responsibility of the Government to ensure the elaboration of the official administrative map that registers the state of delimitation and demarcation of the administrative circumscriptions.

Article 24

Administrative center

[...]. »

Article 2
Systematic change

1. Chapter II is renamed "Identification of administrative districts".
2. Chapter III is renamed "Creation, modification and extinction of administrative circumscriptions.

Article 3
Repeals

Articles 26, 27 and 28 of Law no. 11/2009, of 7 October are repealed.

Article 4
Republication

Law n° 11/2009, of October 7, is republished in annex to this law, of which it is an integral part, with the current wording.

Article 5
Implementation

This law enters into force on the day following its publication.

Approved on April 18, 2016.

The President of the National Parliament,

Vicente da Silva Guterres

Enacted on 05. 05. 2016.

Be it Published.

The President of the Republic,

Taur Matan Ruak