

LAW No. 3/2019
15th of August 2019

**FIRST AMENDMENT TO LAW No. 3/2014, OF JUNE 18,
THAT CREATES THE SPECIAL ADMINISTRATIVE REGION OF OE-CUSSE AMBENO
AND ESTABLISHES THE SPECIAL SOCIAL ECONOMY ZONE OF
OE-CUSSE AMBENO AND ATAÚRO MARKET**

The Constitution of the Republic mandates the State to guarantee economic development and promote the harmonious development of the regions.

Recognizing the geographical specificities of the enclave of Oe-Cusse Ambeno and the island of Ataúro, the Basic Law provided, in its articles 5 and 71, for special administrative and economic treatment for them.

Based on the constitutional norms mentioned above, and pursuant to paragraph 1 of article 95 of the Constitution of the Republic, the National Parliament approved Law no. 3/2014, of 18 June, through which the Region was created. The Special Administrative Region of Oe-Cusse Ambeno and the Special Social Economy Market Zone of Oe-Cusse Ambeno and Ataúro was established.

According to the legal framework inaugurated by said law, the Special Administrative Region of Oe-Cusse Ambeno is a territorial legal person under public law, endowed with administrative and financial autonomy and its own assets, subject to the tutelage of the Government, which is exercised by the Prime Minister.

Notwithstanding article 4 of Law no. 3/2014, of 18 June, attributing to the Government the authority over regional executive bodies, which consists of the power to control and supervise its administrative activity, it appears that Appointment of the President of the Special Administrative Region of Oe-Cusse Ambeno, as well as his resignation, take place under the impulse of the Government, but the decision on them is the responsibility of the President of the Republic.

In addition to the reservations regarding constitutionality that cannot fail to deserve the extension of the powers of the President of the Republic through an ordinary legislative act, the requirement for agreement by the President of the Republic and the Government as to the appointment or dismissal of a leader of a territorial public body at a local or regional level. In addition to being disproportionate, this political option enacted by law, and which does not arise from any constitutional command, in practice makes it difficult for the President of the Authority of the Special Administrative Region of Oe-Cusse Ambeno to be accountable to the Government and, consequently, through it, to the National Parliament.

In view of the proximity of the end of the mandate of the current President of the Authority of the Special Administrative Region of Oe-Cusse Ambeno, it is urgent to ensure the approval of amendments to Law no. [3/2014 of 18 June] possible political-administrative impasses in the appointment of that body and that correct the current situation. Through this legal diploma, articles 19 and 21 of Law no. 3/2014, of June 18, are amended, in order to give the Government the power to appoint and dismiss the President of the Authority of the Special Administrative Region of Oe-Cusse Ambeno, through Resolution.

Thus, the National Parliament decrees, under the terms of article 95, paragraph 1 of the Constitution of the Republic, to be enforced as law, the following:

Article 1

Object

This law approves the first amendment to Law no. 3/2014, of 18 June, which creates the Special Administrative Region of Oe-Cusse Ambeno and establishes the Special Zone of Social Economy of the Market of Oe-Cusse Ambeno and Atauro.

Article 2

Amendment to Law no. 3/2014, of 18 June

Articles 19 and 21 of Law no. 3/2014, of 18 June, are replaced by the following:

«Article 19

(...)

1. The President of the Authority, who must be a Timorese citizen at least 35 years of age, is appointed by the Government through a resolution, for a term of five years, renewable only once .
2. (...)
3. (...)

Article 21

(...)

1. The President of the Authority is exonerated by the Government through a resolution.
2. (...)”

Article 3

Entry into force

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

Approved on July 8, 2019.

The President of the National Parliament,

Aaron Noah of Jesus of Costa Amaral

Enacted on 15 of 08 of 2019.

Be it published.

The President of the Republic,

Francisco Guterres Lú Olo