



## The Legislative Process in Timor-Leste

### Law-making in Timor-Leste

As stated in the Constitution, the Democratic Republic of East Timor is a democratic, sovereign, independent and unitary State based on the rule of law, the will of the people and the respect for the dignity of the human person.

In Timor-Leste, laws can take the form of:

- 1) Legislation enacted by Parliament; or
- 2) Decree laws and other legal acts issued by the Government (through the Council of Ministers).

The Constitution also recognizes international law and provides that Timor-Leste's legal system shall adopt the general or customary principles of international law as well as those rules provided for in conventions, treaties and agreements that apply in Timor-Leste.

Because the legislative scheme in Timor-Leste is still in the process of being completed, some Indonesian laws and laws of the United Nations Transitional Administration (UNTAET) remain in force.

### The Parliament

In Timor-Leste the National Parliament is the organ of sovereignty of that represents all Timorese citizens and is vested with legislative supervisory and political decision making powers. It is a single-house Parliament with between 55 and 65 members. Members hold office for five years with each member a representative of the whole Timorese public.

The current legislature was elected in 2007 and will remain in their seats until 2012. There are presently 65 Parliamentarians, 19 of whom are women (32.3%). Seventeen political parties participated in the 2007 elections. At present nine of these are represented in the National Parliament. The majority in Parliament is presently formed by a coalition of five parties, together referred to as AMP.

## The Government

The Government is the organ of sovereignty responsible for conducting and executing the general policy of the country and is the supreme organ of Public Administration. It comprises of the Prime Minister, The Ministers and the Secretaries of State. The Government is lead by the Prime Minister, who is chosen by the party or coalition of parties that gains the majority of seats in Parliament. The remaining members of the Government are appointed by the President of the Republic following proposal by the Prime Minister.

## Origin of Laws in Parliament

In Parliament, laws can be initiated by Members of Parliament, Parliamentary Benches or the Government. Laws presented by the Government are called *Proposta Lei*. Laws submitted by the Members of Parliament or the Parliamentary Benches are called *Projektu* or *proposta lei*.

In order to place a Projektu/Proposta Lei on the Parliamentary Agenda it must be submitted to the President of Parliament who will then determine whether it meets the requirements for inclusion in the agenda. If the Projektu/Proposta Lei is accepted it will usually be sent to the appropriate Committee that specializes in that subject.

## Parliamentary Committees

The National Parliament has nine specialist Parliamentary Committees. These consist of a President and representatives from various Party Benches. The role of the Committees is to examine and investigate subjects and make recommendations for the Plenary to analyse. When considering a Projektu/Proposta Lei, a Parliamentary Committee can do many things including:

- Call Ministers or public authorities to explain the contents,
- Ask for expert advice;
- Receive presentations from civil society;
- Hold public hearings for private citizens and civil society to participate in; and
- Travel and gather information from other places.

Once the Committee has analysed the law, it will send the new Projektu/Proposta Lei back to the Plenary with recommendations. The Committee can recommend:

- That there be a session in generality of the law;
- That the law be altered; or
- That the Projektu/Proposta Lei be rejected.

### Debate in Plenary

Once the Committee has provided its findings on the Projektu/Proposta Lei, a date will be set for debate in the Plenary. The first debate will be on the general contents of the Projektu/Proposta Lei. This debate is called '*Debate in Generality*'. Once the bill has been approved in generality, each clause of the Projektu/Proposta Lei will be debated; this is called *Debate in Speciality*. Debate in Speciality can be conducted in the Plenary or in the relevant Parliamentary Committee.

After the Parliament votes and approves every article of the Projektu/Proposta Lei, it will again be voted on for a final time in the Plenary. Once passed, the President of the National Parliament will sign the Projektu/Proposta Lei and will forward it to the President of the Republic so that it can be promulgated and transformed into a law.

### Presidential Approval or Veto

The President of the Republic can exercise his power of veto. A veto can be a Political Veto, on the basis of political reasons. Alternatively where it is believed that the law is unconstitutional, the President can ask the Court of Appeal for an opinion on whether or not the draft law is consistent with the constitution.

If a draft law is vetoed the Parliament can reexamine the law, hold further debates, make alterations, and resubmit to the President for approval.