DEMOCRATIC REPUBLIC OF TIMOR-LESTE
GOVERNMENT
DECREE-LAW No. 5/2004
Of 14 April 2004
ON COMMUNITY AUTHORITIES

Specialised studies are being conducted on the administrative division of the country and the different models of administrative deconcentration and decentralisation. Such studies are expected to pave the way for the preparation of relevant laws.

In the meantime and without prejudice to such laws, it is important to legitimise the role so far played by community leaders and bodies through elections, in accordance with Law No. 2/2004 passed by the National Parliament.

In fact, the prominent role played by community leaders and bodies in organising communities should be recognised by the State without further delays as the organisation and mobilisation of communities for the social, economic and cultural development of the country greatly relies on those leaders and bodies.

In this connection and with a view to facilitating the functioning of community bodies, there is a need to define the major guidelines that will govern activities by suco chiefs and members of suco councils.

Under the terms of the combined provisions of paragraph o), item 1, Section 115, and paragraph d), Section 116, of the Constitution, the Government enacts the following that shall have the force of law:

Section 1
Community authorities and the rule of law
1. Community authorities shall be the suco chiefs and the members of suco councils elected under the terms of Law No. 2/2004 of 18 February.
2. Community authorities shall perform their functions and exercise their competencies with due respect for the Constitution and laws regarding State property, especially renewable and non-renewable natural resources.

Section 2
Suco chief
1. A suco chief is the community authority elected to lead activities to be carried out by the community of his or her suco in areas that may contribute to the consolidation of national unity and to the provision of goods and services designed to meet the basic needs of life and development, in close articulation with the suco council.
2. Activities may be carried out in areas such as:
a) peace and social harmony;
b) census and registration of the population;
c) civic education and patriotism;
d) promotion of the official languages;
e) food security;
f) protection of the environment;
g) education, culture and sports;
h) opening and maintenance of water wells, boreholes, and catchment points in the suco;
i) opening and maintenance of main roads and access roads to the suco's interior, as long as such roads do not fall within the exclusive competencies of the State administration;
j) maintenance of social infrastructure such as primary schools and health centres in the suco;
k) own housing for the inhabitants of the suco.
3. Under no circumstance shall the activities of a suco chief be carried out to the detriment of approved national programmes and plans or without articulation with the State administration at suco level.

Section 3
Competencies of a suco chief
1. Without prejudice to competencies to be established by law, a suco chief shall represent his or her suco and preside over the meetings of the suco council, and he or she shall exercise his or her functions in an impartial and independent manner.
2. A suco chief shall also:
a) coordinate the implementation of decisions made by the suco council and, in coordination with the other members of the suco council, promote an ongoing consultation and discussion process with all the community on the planning and execution of community development programmes;
b) establish mechanisms of coordination and articulation between the suco and competent authorities, at the level both of local government and the different ministries, especially in terms of civil registration, electoral registration, collection of statistic data, transmission of information on land and property, and other issues;
c) provide for the creation of grassroots structures for the resolution and settlement of minor disputes involving two or more villages of the suco;
d) promote the creation of mechanisms for the prevention of domestic violence;
e) support initiatives regarding the follow-up and protection of domesticviolence victims, and the rehabilitation and punishment of domesticviolence perpetrators so as to suppress the occurrence of such cases within the community;
f) request the intervention of security forces in case of conflict that cannot be solved at local level and when criminal offences or riots are reported;
g) submit the annual progress report to the suco council for approval;
h) conduct any other business related to the nature of his or her functions.

Section 4
Suco Council
A suco council is the collective organ of a suco whose mandate is to assist the suco chief in the performance of his or her functions, and it shall be the responsibility of the suco council to advise the suco chief on solutions that may reach the widest possible consensus for the benefit of the local community's interests, and without prejudice to national interests.

Section 5
Composition of a suco council
1. A suco council shall be composed of:
a) the suco chief;
b) the heads of the villages comprising the suco;
c) two women;
d) two young people (one male and one female);
e) one elder (male or female).
2. For the purposes of this law:
a) a young person is an individual who, on the polling day for the first election of suco chiefs and members of suco councils, is aged between 17 and 35;
b) an elder is an individual who, on the polling day, is older than 50 or recognised in the community as a lian nain.

Section 6
Competencies of a suco council
Without prejudice to competencies to be established by law, a suco council is the competent organ to promote debate on, and the planning, follow-up, and control of, activities to be carried out in the suco in the areas of health, education, environment, employment, development and security, inter alia.

Section 7
Functioning of a suco council
1. A suco council shall hold ordinary meetings on a monthly basis or special

meetings whenever requested by the suco chief or by one-fourth of the members of the suco council.

2. Decisions shall be made by consensus, when possible, or by simple majority of attending members of the council.

3. The suco chief may invite one or more members of the katuas council, if any, to attend meetings. Invited guests may take the floor but shall not have the right to vote.

Section 8
Village head

A village head, in his or her capacity as a suco council member, and without prejudice to competencies to be established by law, shall:

a) be a member of the suco council in representation of the village;

b) implement those decisions approved by the suco council that have implications for the village;

c) provide the suco chief with elements requested by the latter and necessary for articulation with ministries and local administration;

d) provide for the creation of grassroots structures for the settlement and resolution of minor disputes that may emerge in the village;

e) promote respect for the law;

f) ensure the creation of mechanisms for the prevention of domestic violence, especially through awareness campaigns in the village;

g) facilitate the creation of mechanisms for the protection of domestic-violence victims and for the condemnation and repression of domestic-violence perpetrators in accordance with the gravity and circumstances of each case;

h) promote consultations and discussions among the village inhabitants on all issues related to community life and development and report to the suco council;

i) conduct any other business related to his or her functions.

Section 9
Entry into force

This decree-law shall become effective on the day following its publication date.

Approved by the Council of Ministers on 18 March 2004.
The Prime Minister
[Signed]
(Mari Bim Amude Alkatiri)
The Acting Minister of State Administration
[Signed]
(Ana Pessoa Pinto)

Promulgated on 1 April 2004.
To be published.
The President of the Republic
[Signed]
(Kay Rala Xanana Gusmão)