



UNTAET/REG/2000/13
10 March 2000

REGULATION NO. 2000/13

**ON THE ESTABLISHMENT OF VILLAGE AND SUB-DISTRICT DEVELOPMENT
COUNCILS FOR THE DISBURSEMENT OF FUNDS FOR DEVELOPMENT
ACTIVITIES**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to the Transitional Administrator under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

Considering Section 6.01 (c) of the Trust Fund for East Timor Grant Agreement of 21 February 2000 (Community Empowerment and Local Governance Project) between UNTAET and the International Development Association, acting as Trustee of the Trust Fund for East Timor,

After consultation in the National Consultative Council,

For the purpose of promoting effective village and sub-district level participation in the disbursement of funds for development activities within the terms of the Trust Fund for East Timor Grant Agreement which is representative and accountable, and which operates in cooperation with the UNTAET District Administration, on an interim basis,

Promulgates the following:

I. Village and Sub-District Development Councils

Section 1
Establishment and status

1.1 A system for the establishment of Village Development Councils (hereinafter: Village Council) and Sub-District Development Councils (hereinafter: Sub-District Council) in East Timor is set out in the present regulation.

1.2 The Village Councils and Sub-District Councils shall have responsibility for the allocation of development funds as defined in the present regulation.

1.3 The Village Councils and Sub-District Councils shall not exercise the legislative, executive or judicial power of government. The establishment of Village Councils and Sub-District Councils shall not prejudice any constitutional or institutional development to be provided by UNTAET in East Timor.

1.4 The Village Councils and Sub-District Councils shall not duplicate or replace the role of the traditional and local leaders of such villages and sub-districts.

Section 2 Composition of Village Councils

2.1 Village Councils shall consist of at least two (2) democratically selected representatives from each village hamlet who shall be responsible for collectively planning and managing village-level development activities. Each Village Council shall, in principle, consist of an equal number of women and men, and the total number of members shall be more than ten (10) but not more than sixty (60).

2.2 Village Councils may accept, hold, and manage funds on behalf of the village. Village Council members shall be accountable, as specified in Section 7.3 (b) of the present regulation, to their constituents, as specified in Section 4.3 of the present regulation, and shall consult routinely with traditional and local leaders of their village.

Section 3 Composition of Sub-District Councils

3.1 Sub-District Councils shall consist of at least two (2) representatives of each village who shall be democratically selected by and from the members of the respective Village Councils. Each Sub-District Council shall, in principle, consist of an equal number of women and men, and the total number of members shall be more than ten (10) but not more than forty (40).

3.2 Sub-District Councils may accept, hold, and manage funds on behalf of the villages in the sub-district. Sub-District Council members shall be accountable, as specified in Section 13 of the present regulation, to their respective Village Councils and shall consult routinely with traditional and local leaders of their sub-district.

II. Village Councils Section 4 Selection committee

4.1 The selection of hamlet representatives to the Village Council shall be organized by a selection committee consisting of the hamlet chief and two (2) trusted members, one male and one female, of the hamlet community.

4.2 The selection committee shall register nominees for selection and shall confirm that these nominees fulfil the conditions set out in Section 4.3 (c) of the present regulation. Prior to the date of the democratic selection process, such date and the names of all nominees shall be publicized throughout the hamlet in at least two (2) locally used languages.

4.3 The selection committee shall organize the democratic selection process and shall:

- (a) prior to the first two democratic selection processes in any village, provide the hamlet community with both an oral and a written explanation of the role and responsibilities of the Village Council and the tasks of its members;
- (b) give the hamlet community at least two (2) weeks advance notice of the date on which the democratic selection process of hamlet representatives to the Village Council will take place. This notification shall be repeated two (2) days before the date of the said process;
- (c) ask resident members of the hamlet to nominate female and male candidates who fulfill the following conditions:
 - i. that they are over eighteen (18) years of age;
 - ii. that they are usually resident in the hamlet;
 - iii. that they are not traditional or local leaders;
 - iv. that they have sufficient time available for Village Council work.

Section 5
Selection of representatives

5.1 At the first democratic selection process of the Village Council in any village, hamlet representatives are chosen for an initial term of one (1) year. After the first democratic selection process, representatives are chosen for three (3) - year terms. A representative shall not serve for more than three (3) terms.

5.2 The selection committee shall organize an open meeting of the hamlet community to choose representatives. At least 50% of the resident hamlet residents eligible to vote must be present in order to hold a valid selection process.

5.3 Every hamlet resident, male and female, older than 17, or married, has the right to vote in the democratic selection process. At the meeting mentioned in section 5.2 of the present regulation, hamlet residents eligible to vote shall determine:

- (a) whether representatives will be chosen by raising of hands or by secret ballot;
and
- (b) who will represent the hamlet on the Village Council.

5.4 The counting of votes and announcement of results shall take place immediately after the democratic selection process and shall take place in public. Results of the said process shall be communicated immediately to traditional and local leaders in the village and to the UNTAET District Administrator. The results shall remain posted at a prominent place in the village for at least two (2) weeks.

Section 6
Chairperson

6.1 Representatives of hamlets selected in accordance with Section 5 of the present regulation shall constitute a Village Council, and shall be members of that Village Council. They shall choose from among their members a chairperson and a deputy chairperson. The chairperson is, *ex officio*, one of the representatives of the village on the Sub-District Council. The chairperson shall appoint a bookkeeper.

6.2 The chairperson of the Village Council shall convene the first meeting of all hamlet representatives.

Section 7
Role of the Village Council

7.1 The Village Council shall identify, plan and carry out development activities in the village that utilize funds allocated for village development, either from the village budget or from outside the village. Development activities initiated at the hamlet level, with the self-generated funds of a hamlet, do not require the approval of the Village Council.

7.2 The Village Council may receive, on behalf of the hamlets in the village, development funds or materials from any sources for distribution to groups or hamlets in accordance with Village Council decisions. The Village Council may carry out development programs and contracts.

7.3 The Village Council shall:

(a) draw up an annual development work plan for the village based on

- i. proposals prepared by the hamlets or informal groups;
- ii. the annual village budget for development activities;
- iii. an assessment of top-down development programs;

(b) submit, twice per year, a written and oral progress evaluation report to the traditional and local village leaders and the village community, that shall include ample opportunity for the community to ask questions;

(c) convene public meetings at hamlet or village level to discuss development plans and activities;

(d) choose representatives, at least one of whom shall be a woman, to the Sub-District Council.

Section 8
Decisions

8.1 Village Councils shall take decisions by consensus or, if no consensus can be reached, by majority vote.

8.2 Decisions shall only be made in meetings where all hamlet representatives have been invited and where at least 60% of the Village Council members are present.

8.3 All meetings of the Village Council shall be open to the public, but only Village Council members, selected in accordance with Sections 4 and 5 of the present regulation, may be eligible to participate in the decision making as provided for in Section 8.1 of the present regulation.

8.4 Decisions of the Village Council shall be recorded in writing. Decisions shall be disseminated in public.

Section 9
Village monitoring team

- 9.1 The Village Council shall participate in a village monitoring team, which shall monitor the implementation of all construction and development activities in the village.
- 9.2 The village monitoring team shall, normally, consist of the village head and a representative of the Village Council, chosen from among its members. The village monitoring team may, in addition, include a traditional leader.
- 9.3
- 9.3 If poor workmanship or bad practice is identified in village level development activity, the village team shall attempt to have such poor workmanship or bad practice corrected. The village monitoring team shall report to the Sub-District Council and the UNTAET District Administrator any instance of poor workmanship, in particular by parties from outside the village.

III. Sub-District Councils

Section 10
Selection of representatives

- 10.1 The Sub-District Council shall consist of between ten (10) and forty (40) representatives, consisting of the chairpersons of the Village Councils, and members of Village Councils who have been democratically selected to represent the interests of their village by the other members of their respective Village Councils.
- 10.2 The meetings of the Sub-District Council shall be chaired by a person elected from among its members.
- 10.3 Before every meeting of the Sub-District Council, the Village Council shall choose a number of its members, as specified in Section 3.1 of the present regulation, to represent the village on the Sub-District Council. At least one of the members representing a village on the Sub-District Council shall be a woman. These representatives need not always be the same persons, although the elected chairperson should always represent the village on the Sub-District Council.

Section 11
Role of the Sub-District Council

- 11.1 The Sub-District Council shall decide on the allocation of development funds from all sources made available to the sub-district or to the combined villages in the sub-district. Development activities initiated at the village level, with the self-generated funds of the village, do not require the approval of the Sub-District Council.
- 11.2 The Sub-District Council may receive, on behalf of the villages in the sub-district, development funds or materials from all sources for distribution to villages in accordance with Sub-District Council decisions. The Sub-District Council may carry out other development programs or contracts.
- 11.3 The Sub-District Council shall monitor construction and other development activities carried out in the village. This monitoring shall be conducted by the village-level monitoring team, as provided for in Section 9 of the present regulation. Poor workmanship reported by the monitoring team shall be reported to the UNTAET District Administrator.

11.4 The Sub-District Council may assist with the coordination of development activities within the sub-district and stimulate joint development activities among villages. The Sub-District Council may assist in the resolution of disputes between villages on development matters.

11.5 The Sub-District Council may convene public meetings at sub-district level to discuss development needs, plans and activities.

11.6 The Sub-District Council shall choose from among its members representatives, at least one of whom shall be a woman, to attend meetings of the district development coordination structure provided by UNTAET, once established in accordance with Section 14 of the present regulation.

Section 12 Decisions

12.1 Sub-District Councils take decisions through consensus or, if no consensus can be reached, by majority vote.

12.2 Decisions are only made in meetings where all village representatives have been invited and where at least 60% of the Sub-District Council members are present.

12.3 All meetings of the Sub-District Council are open to the public, but only Sub-District Council members, selected in accordance with Section 10 of the present regulation, may be eligible to participate in the decision making as provided for in Section 12.1 of the present regulation.

12.4 Decisions of the Sub-District Council shall be recorded in writing. Decisions shall be communicated immediately to traditional and local leaders in the village and to the UNTAET District Administrator. Decisions shall be disseminated in public.

Section 13 Accountability

The Sub-District Council shall appoint three (3) to five (5) respected sub-district community members to act as financial supervisors. These supervisors shall prepare an annual report of all the financial dealings of the Sub-District Council. This financial report constitutes a public document and shall be submitted annually to the Sub-District Council and to the UNTAET District Administrator, and shall be read aloud at sub-district and village meetings.

Section 14 District development

Each Sub-District Council shall select two (2) representatives to:

- (a) assist the UNTAET District Administrator by identifying and advising local development priorities based on the views of Village Councils and Sub-District Councils;
- (b) assist the UNTAET District Administrator in the planning, implementation and monitoring of local development projects utilizing external funds;
- (c) assist national agencies as required by providing linkages to and feedback from village development programs;

- (d) assist in channeling development funds from all sources for distribution to sub-districts in accordance with Sub-District Council priorities;
- (e) assist the UNTAET District Administrator in the coordination of development activities within the district and, where appropriate, promote joint development activities among sub-districts;
- (f) convene public meetings to discuss district development needs, plans and activities; and
- (g) carry out development programs and contracts.

IV. General Provisions

Section 15 Definitions

Wherever used in the present regulation, the following terms shall have the following meanings:

- (a) “traditional and local leaders” means traditional chiefs (*liurais*) and members of the Council of Elders (*conselho dos katuas*).
- (b) “local leader” means a village head (*chefe de suco*) or hamlet head (*chefe de aldeia*).
- (c) “sub-district leader” means a sub-district head.

Section 16 Portuguese terminology

For the purposes of the present regulation,

- (a) “Village Development Council” shall read in Portuguese “*conselho do suco.*”
- (b) “Sub-district Development Council” shall read in Portuguese “*conselho do posto.*”

Section 17 Entry into force

The present regulation shall enter into force on 10 March 2000.

Sergio Vieira de Mello
Transitional Administrator