

The Alliance Of Imperfect Powers In The Democratic Republic Of Timor-Leste. (2024).

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Received: 29 May 2024; Accepted: 31 May 2024; Published: 05 June 2024

Citation: Alexandre Gentil Corte Real de Araújo. The Alliance Of Imperfect Powers In The Democratic Republic Of Timor-Leste. (2024). AJMCRR 2024; 3(6): 1-12.

ABSTRACT

Introduction: *The present legislator of Timor -Leste has not yet satisfied its obligatory duty to oversee the ordinary laws provided for in the constitutional text, especially those related to the connection and application of the policy of political-administrative decentralization, in line with the national constitution. in Timor. Leste The Central Government still collects all the power. In order to change this situation, it is urgent that the present ordinary legislator create laws on decentralization, so that it can strengthen the existence of local power, and, subsequently, to reach democratization.*

Research of Objective: *The key or main objectives of the power in implementation of decentralization is a democratization defended of administration power.*

Result of Discussion: *It is about giving opportunity to the delegation of authority to limited governments and societies, of central very position due to the administrative and political heterogeneity they have. The specific functions will be returned to the Municipalities, complete a process of consultation with the Ministries and then specified in the proposal for an organic Law on Local Government, with flexibility to adjust the subsequent and connected legal instruments. The application of the principle of democratization, can limited citizens have access to the decision-making process and the application of municipal procedures, with the development of the country.*

Conclusion: *In order to reach this goalmouth, it is urgently essential to realize the reality of application or implementation of this model. The sovereignty body, of any kind the Ordinary Legislator, shall, with the out most urgency as possible, draw up the Local Government Act (provided for in Article 72/CDRTL-2002), the Law on the Division of the Administrative Organization (provided for in Article 71/CDRTL-2002) and the Law on Territorial Division (provided for in Article 5) , which always actualiza-*

tion and updated in the context of the Rule of Law of Democratic, Timor-Leste with regarding to all the laws of Nation have recognized the legal procedure cited by (Corte Real AG. & Tilman CB., 2024).

Keywords: Decentralization; Limited Control; Democratization; in Timor-Leste.

INTRODUCTION

Timor - Leste is an island discovered by Europeans. The first contact of the Europeans was made by the Portuguese, when they arrived in 1512, in the search or search for sandalwood and smelly, noble wood for the production of luxury fixtures and perfumery, which covered practically the entire island where there was plenty of darling. Another goal of the Portuguese, at that time, was, besides the exploration of these honorable woods, to expand Christianity-Catholicism, and to formulate a model of administration within the Timorese people with the memory of event and the modest people in that ancestor during the time or epoch cited by (Corte Real AG. & Tilman CB., 2024). With the arrival of the first Governor, coming from Portugal in 1702, practically began the colonial organization of the territory, creating Timor Portuguese¹. For much of this period, Portugal shared the island of Timor-Leste with the Dutch East Indies or West Timor, now Indonesia. Timor-Leste belongs to the Archipelago of Insulinde (which means "Insular India"), also called the Malaya archipelago, in which are present sovereignties of several States, such as the Republic of Indonesia, the Republic of Philippines, the Republic of Singapore, and the British Community of Australia².

Decentralization is a very attractive and significant issue in certain countries that promote the progression of democracy³. This happens in both particular and federal states. In Timor - Leste, decentralization in limited authorities has not yet been imple-

mented by the Timorese State. Although there is a convincing Constitutional command, in line with the Constitution of the Democratic Republic of Timor - Leste/CRDTL-2002 (which is clearly specified in Articles 5, 71 and 72), the decentralization of power has not yet been the subject of the consideration of the ordinary legislator. One of the main objectives aimed at implementing decentralization is democratization⁴. It is a question of giving opportunity to the delegation of authority to local governments and societies, of fundamental importance due to the administrative and political heterogeneity they have. In addition, the application of decentralization should provide local authorities with the benefits of raising own resources. Through decentralization, the Central Government can make certain budget forecasts. If after the decentralization process some of the sites, municipalities and post administrative, especial the administration regions are unable to enjoy political and fiscal independence, i.e., if some places fail to demonstrate conditions for better autonomy after decentralization, these sites can survive through transfers of funds from the Central Government⁵. It is worth importance the role of local authorities in the establishment of social services and in the opening of possibilities, through decentralization, for the participation of local societies in decision-making processes on investments in limited municipal policies. Another aspect is that, in this process of decentralization, the Central Government can maintain a advantaged position as an executing agent of the fiscal control policy, in addition to superintendence the administrative and national re-

gional activities of the context in progress better aid in the future of Timor-Leste cited by (Corte Real AG. & Tilman CB., 2024) at the limited level⁶.

THEORETICAL FRAMEWORK

United Nations General Assembly Resolution 1514 (XV) of 14 December 1960 recognized the inalienable right of all peoples to self-determination, in accordance with the principles of the Charter of the United Nations, providing for the process of independence of countries in a colony situation⁷. Timor -Leste was also qualified, in 1960, by the United Nations General Assembly as an autonomous territory (Resolution 1542 - XV, of December 14, 1960). Of this, it benefited from one by the Charters of the United Nations and several united resolutions developed the legal ones a . The exercise of the right to self-determination comprised a choice between three alternatives, as clarified by Resolution 1541 - XV of 14 December 1960 of the General Assembly, and reaffirming in Resolution 2625 - XXV of 24 October 1970: a) emergency as a sovereign and independent State; (b) free association with an Independent State; or c) integration into an Independent State. Timor-Leste formed regime International, defined the United Nations norm of self-determination⁸. Timor - Leste should stay 1975, that of Lisbon. However, there was among the Timorese would rule the country, resulted in the UN regulation. In this confusing picture of internal war between the Timorese, Indonesia invaded Timor-Leste and then invasion it as if it were its territory in 1976. With the invasion of Indonesia to Timor-Leste independent and call civil war this public opinion in Indonesian army and politician concept. Timor-Leste, in December 1975 the process of decolonization and independence was interrupted, which

depended then on Portugal⁹. Both Portugal and the United Nations never recognized the incorporation made by Indonesia, and considered that the territory maintained its legal status as a non-autonomous territory, subsequently prevailing the Charter of the United Nations and the Resolution of the United Nations General Assembly on non-autonomous territories (Resolution 1542 - XV, of 14 December 1960). Therefore, Portugal remained a "de jure" force, that is, as an administrator power of the Territory, since the Timorese did not exercise their right to self-determination¹⁰.

Another important issue is the implementation of decentralization with the aim of reaching poverty eradication. This is also, for the Timorese State, one of the strategic reasons for the implementation of the country's national development plan in line with the objectives of the Timorese Constitution. Therefore, the interconnection between these three dimensions (1. Local Power 2. Decentralization and 3. Democratization) implies that it corresponds to that urgency of the Timorese State with respect to the interest, on a priority scale, of the immediate application of decentralization in Timor - Leste. Talking about Local Government means that the State, which the Central Government represents, is aware of and aims to create subnational places or units within the Timorese territory itself, based on what is stipulated in Article 72 of the Constitution of the Democratic Republic of Timor-Leste. Decentralization will bring citizens' public services closer together through gradual transfers of a series of tasks and responsibilities of the Central Government to the new municipalities and administrative posts that ensures the machine yes operation well in the administration of local government is fundamentally cited by (Corte Real AG. & Tilman CB., 2024). Phase-by-phase imple-

mentation will ensure that there will be sufficient capacity at local level to address these new skills with adequate resource professionalism and efficiency¹¹.

Municipalities and administrative posts will have more powers to assume the new decentralized functions. The ultimate objective will be for municipalities to deal with all functions related to the provision of services to citizens (such as: civil registration, primary health, primary education, water supply and sanitation, local roads, among others), which are closer to them, to ensure a strong accountability from the top to the base, local participation and distributive efficiency³. Even so, decentralization, in general terms, encompasses administrative and political aspects that will also be clearly determined through a formal legal framework or through the promulgation of laws, as to their sphere of decentralization in specific and specific areas. The specific functions will be returned to the Municipalities, Administrative Posts and Regions of Special Administration of the National Territory of Timor-Leste cited by (Corte Real AG & Tilman CB., 2024), through a consultation process with the relevant Ministries in well-functioning and then stipulated in the proposal for an organic Law on Local Government, with flexibility to adjust the subsequent and related implementation legal instruments⁶.

THE REVIEW OF LITERATURE

Decentralization is a situation in which there is the transfer or changes of some certain powers of central powers to new entities such as Municipalities, Administrative Posts, Regions Special Administration, as new centers of power, although autonomous. In line with Article 1 of the Constitution of the RDTL - Democratic Republic of Timor-Leste,

2002, is a democratic, sovereign, independent and unitary State of Duty Right, based on popular will and respect for the dignity of the human person⁴. Article 1 of the Constitution of RDTL talks about democracy, participation in popular will and human dignity, and can be considered a cornerstone for public authorities in the State of Timor - Leste, serving as the basis for fundamental principles, aiming to develop and interpret these concepts in order to realize and implementations their real application. The intention or objective of the Local Authorities in Timor-Leste is merely to exercise some portions of power, that is, to promote the widest possible opportunity, through the central government, so that local citizens can constitute their own powers, in certain areas of competence, so that they can have access to participation in decisions relating to the substantial issues affecting the common interest, mainly related to the importance of harmonizing and prioritizing the interest of local society, theft is, to give the opportunity for them to act freely, in accordance with the local circumstances and situations they are facing¹².

To get to the point of fortalices the Local Government, the most appropriate, efficient and effective means is for the Central Government or the Public Authorities to opt for a political system of decentralization. This means that the Central Government has the duty, with full confidence, to decentralize some portions of central power powers, in the administrative area, as well as in the political area, making municipalities, or regions new center of Power. And the places that receive decentralization (administrative or political) will have full powers to freely fulfil their powers, in these areas, certain decentralized, without the intervention of the Central Government. Timor - Leste is a country in the form of the Unitary State. In order, the

countries that opt for this system leave the Central Government with many accumulated privileges and powers, and it usually takes decisions at national level in a generic way without considering the circumstances that locals face. Another weakness of this unitarian system is that the decisions of the Central Government sometimes do not share with the real situation of local citizens, that is, the decisions do not perfectly represent the aspirations, but head to consider in phased with the local capacity cited by (Corte Real AG & Tilman CB., 2024) with the need that Central Government, has an important role in the policy of a given community¹³.

Therefore, being Timor-Leste as a Unitary State and fulfilling it to ensure an adequate democracy, one of the most signifying alternatives is to realize the maximum possible consideration of the convenience in opting for the application of the political and administrative system decentralization in the short term. Thus, one can perfectly realize the dreams of achieving development in all sectors, that is, to ensure the well-being of the people, represented by the real realization of the dignity of the human person, according to what is in accordance with Article 1 of the Constitution of RDTL. It is essential to achieve the existence worthy of the Timorese citizen, prosperous both in spirit and materially. There are also advantages in other spheres with the implementation of the decentralization policy, especially in the process of delegation of competences. For organizations to reflect the voice of local people, particularly the poor, reforms induced by national policies can be carried out, which will allow these people more space to join non-governmental organizations, trade unions and other forms of associative, with the aim of better understanding and influencing decisions that con-

cern them, by realizing local interests.

In another direction, there is the notion of participation as a "process of delegation of competences", which means that people or groups, previously excluded from the decision-making process, become aware of their exclusion and, as a result, start to participate in the political game as a way to modify their political and social condition¹⁴. That is, the notion of empowerment (strengthening of human empowerment) implies the awareness of injustices and iniquities, but, at the same time, implies the belief in the possibilities of collective action to promote^{change} ¹⁵. The hope of updating the application to the decentralization policy in the country, in which the form of the Unitary State, such as Timor-Leste, in addition to achieving these advantages mentioned above, also has another objective, which is to reach or reach a more important point: to make citizens living in rural areas present and have greater possibilities to get out of the situation to improve the well-being of the population of social inequality, marginalization, poverty and poverty¹⁶.

This is because these situations of poverty and marginalization are found in the peoples or citizens who inhabit rural areas, because they do not have the same opportunities for access and because they are geographically isolated from the center. The center or capital end up being focal points in the making of strategic development decisions, and do not give much importance to other locations. Another aspect is to prevent the Central Government from having excessive power. Such excessive power, which has sometimes been exercised in decision-making, is not always reflected and represents the aspirations of the interests of local citizens. Therefore, in order to avoid this marginaliza-

tion, the solution to this situation is to promote significant changes, giving great importance to local citizens, that is, to the sphere of power in each region, district or municipality¹⁷. It is about acting and progressing on the basis of democratization as a whole. Therefore, in order to reach the point of implementation and application, that is, by introducing decentralization in Timor-Leste, in principle in legal terms, it needs to be provided for in the Constitution of the Timorese people, which, as seen, already occurs. Moreover, the Central Government has to be aware that the implementation of a decentralization policy within the Timorese people corresponds to the common sense of the people or the State in the realization of democracy based on the fundamental principles of the constitution of RDTL-2002, so us the key point actualization, 2024.

In other words, the implementation of this decentralization policy is a concrete way of requiring a provision to be given more significant importance in terms of its implementation. The dimension of mutual understanding throughout the territory of how decentralization is introduced into reality is required, that is, in the operationalization of decentralization in the contexts of heterogeneity by the Timorese people themselves. Therefore, in order to achieve a desirable reach for the Timorese people to enjoy the fruit or result of this application or implementation of dignified decentralization, it is up to the Central Government to consider the most acute and determining issues of this application, as well as to reflect on the issue of the regional dimension or geographical extent, on cultural diversity, on the imbalance of funding resources in certain places, on the imbalance of natural resources, on the imbalance of human resources, on social inequality, and also on the issue of poverty eradi-

ation. It is necessary to quickly update these dreams of decentralization within the Timorese people, because, in fact, there is a concern of the Timorese State to get out of poverty as soon as possible, and this decentralizing policy is one of the most appropriate means. That is, it is the application of a measure in three natures with different but interconnected dimensions: local power, decentralization and democratization. Usually, when we talk about decentralization, directly or indirectly we talk about these three important points, linked, inseparable or inherent.

If the State or Central Government reaches a decision on decentralization, this means removing some portions of central power and placing them in new centers that are considered as branches of central power spheres. This new Power Centre can be considered as in accordance with Article 5 of the Constitution of the Democratic Republic of Timor - Leste. In this aspect related to democratization, the reduction of national sovereignty means giving some portions to the local government. A power of absolute sovereignty of the Unitary State in certain matters, politic or dilutive, would be confronted with decentralization, so that local authorities can determine their decisions. This happens and can be accepted due to the local public authorities gaining power due to political pluralism and popular sovereignty, that is, as a result of the democracy that is enshrined in Article 1 of the Constitution of the Democratic Republic of Timor - Leste. Poverty for the Timorese people is not a new story, because this situation of misery, illiteracy, marginalization, social, local and regional inequality, hunger, and other aspects of life that take away their dignity, are situations that were already rooted within the Timorese for centuries. That is why, after the independence of the country, on 20 may 2002, perhaps

the most prioritized and urgent dream for the State Timor-Leste to consider and put in the implementation practice that can improve the lives of citizens who would get out of this situation just now, as soon as possible in the context of nation actions cited by (Corte Real AG. & Tilman CB., 2024).

RESULT OF DISCUSSION

The eradication of poverty is a common goal, as it draws a lot of attention and attracts concern in the international dimension. The eradication of poverty has always been an international platform in all countries of the planet, as well as having in international institutions, especially the United Nations, inspired by the Universal Declaration of Rights years. The issue of Human Rights or Fundamental Rights has perhaps the deepest and most important meaning in the dignity of the human person, which is the concern of the international community. Hence the fight against poverty. Thus, Article 6 talks about the Fundamental Objectives of the Timorese State. In the "e" point, it is intended to promote the building of a society based on social justice, creating the material and spiritual well-being of citizens. In order to achieve this goal of "the material and spiritual well-being of citizens", the responsibility of the Timorese State becomes to rid the people of the situation of poverty¹⁸.

Also in the Timorese Constitution, regarding the fundamental principles, it is worth emphasizing mainly what is enshrined in Article 1, on the dignity of the human person. Therefore, it is clear that, in order to be a worthy Timorese citizen, it is natural that you are in a comfortable situation and have a high standard of living, which means that you cannot be marginalized situation before society because of the condition of poverty. Thus, related

to this situation, one of the objectives of the Timorese State is the acceleration of development through adequate planning, that is, based on the fundamental principles of the Timorese constitution, and one of the important goals is the implementation of decentralization is one of the closest strategies to the objectives in the fight against poverty, social inequality, illiteracy, marginalizations, health, housing, education, information, hunger, lack of employment, poverty and corruption. in Timor - Leste. Therefore, there is the prediction of the implementation of decentralization. As a result, the Timorese Central Government must consider the main points such as democratization and the enlargement of local power in all municipalities, with the aim of creating opportunities for the people to change the way they live, in order to achieve a dignified life, which is largely related to their own decision-making, mainly in solutions to real problems, with regard to the issue of safety and social assistance (Article 56), health and nutrition (Article 57), housing (Article 58), education and culture (Article 59), information (Article 40), job opportunity (Article 50), which are central points that the Constitution itself requires the public authorities to carry out. Therefore, all this comes precisely to achieve the eradication of poverty in the peoples under way on future⁴.

The principle of interpretation, with regard to the fundamental principles of the Timorese constitution, must be attentive to the preamble to the Preamble to the Timorese Constitution, which, in the penultimate point, says establishing the essential rules of pluralist democracy, with a view to building a just and prosperous country and developing a solidarity and fraternal society. Also, according to Article 1, we seek to achieve a dignified life for the Timorese citizen, which is also reflected in oth-

er articles of the Timorese Constitution, such as the promotion of the building of a society based on social justice, creating the material and spiritual well-being of citizens (Article 6). The Timor-Leste Government's overall vision of decentralization is the establishment of a strong, adequate, democratic, efficient and effective Local Government. With sufficient human and financial resources to enable local governance institutions and contribute to the achievement of Timor-Leste development objectives, in accordance with the fundamental principles established in the Timor-Leste Constitution. Under Article 71(4) of the Constitution of the Democratic Republic of Timor-Leste/RDTL-2002, and also of Government Decree No. 2/2003 of 23 December, regarding the Organic Statute of the Ministry of State Administration, considering the current needs, the Central Government may propose to establish some preliminary technical proposals, consistent with constitute a single stratification that will be roughly corresponding to the current municipalities and administrative post division; and make a bill should include criteria for the establishment of new municipalities in the future is fundamental thinking innovative and created more jobs in local power cited by (Corte Real AG & Tilman CB., 2024).

However, considering the current situation of lack of human resources and experience at the local level, the choice for municipalities is preferable in the short and medium term. It is intended that administrative and territorial reform be introduced in all municipalities at once, while the local government reform process (functions and funding) is introduced according to a phase-by-phase implementation agenda. This will allow ministries to provide sufficient technical support to the new units, as well as to ensure more flexibility in terms of the

necessary modifications and adaptations in a possible changing environment during the initial phase. the preservation of ethnos linguistic homogeneity and local cultural identity; a balance of potential and resources for development; and also, an administrative center, allowing reasonable access to the Municipal Assembly and municipal services, by the option, with a minimum level of efficiency of the administration and the provision of services. The Assembly, in the Municipality, can be considered, then, a legitimate body that represents the voice of the local people, when deciding all matters related to their interest. Therefore, there should be a prediction that each Municipality will be constituted by a Municipal Assembly. The Assembly will be a corporation with legal personality to be defined by law. The Municipal Assemblies will consist of representatives directly elected by the local people. In the case of direct elections, the boundaries of the municipalities will be used as determinants of the constituency for municipal elections. To avoid the preparation and execution of another electoral process, it is recommended that there be joint municipal elections. The municipal assembly constituted has the obligation to prepare, in its first moments, its internal rules, which will be used as a guide for the operationalization of its work. The measures for the composition of the Assembly of Municipalities, in detail, that is, the precise modalities for the elections of the President to the Chamber, the Spokesperson and the members of the Municipal Assembly, as well as their remuneration, will be determined by law, through a consultation process, in order to provoke a situation of wide debate. The City Council and its sectors will have their own administration, under the control of the Assembly. The Sector Departments will need supervision of the Municipal Assembly, together with the respective Ministries of the Cen-

tral Government. The issue of the involvement of the Central Government in the control of these departments means a reflection of the act of reconcentration, because the Central Government has the duty to promote and assist the municipalities, especially regarding financing, the main support offered to municipalities all national territory weekly under way in process development of nation cited by (Corte Real AG & Tilman CB., 2024)

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More specifically with the relationship, it is anticipated that, at ministerial level, the Ministry of State Administration and Financials Planning (MAEOT) will necessarily have to change the attributions of important functions related to the provision of these municipal services. One of the most important issues is the issue of funding. For this, the fairest is to be assumed by the MAEOT, since there is more proximity to these functions, increasing the possibility of cooperating with the Ministry of Finance, the Ministry of National Planning and other several relevant Ministries, in coordination of the Municipal financial system, including the design, calculation and management of subsidies to be transferred to municipalities, as well as the definition of the allocation of municipal revenues and fiscal supervision. Specifically, the role of the MAEOT will be to monitor compliance with the law and regulatory framework by municipalities; monitor the financial management of municipalities; initiate judicial and administrative proceedings if the municipalities do not comply with or contradict national policy; provide or agree general support, training and advice for municipalities to comply with or not contravene national policies; support assemblies in the management of city council administration staff; coordinate with the Ministry of Finance and other Central Departments

the design and management of a fiscal decentralization framework; make the connection and other Ministerial Departments on behalf of the Municipalities; in general, ensure the development of global national policy, a legal and regulatory framework to support decentralization and effective and democratic local government for the purpose of the common good³.

The municipalities must establish a close connection with the hamlets/ suco authorities. The Municipal Administration should act in coordination with the authorities of the government structures lower than local in administrative aspects, in addition to allocating and supervising the execution of the funds available to these structures. The Municipal Assembly must ensure coordination with the authorities of the lower structures that bring the citizen closer to the planning and execution of municipal budgets. The Assembly must also ensure that suco authorities are consulted in advance before making decisions with direct implication to the population. The financing measures for the Municipalities and the division of the allocations of revenue strata by the government strata will correspond to the new division of functions between the Central Government and the Municipalities. This is set in Article 55 of the Timorese Constitution, which deals with the contribution of citizens, as they are obliged to prove their income to the tax man. Also, within the competence of the government in relation to the collection of revenue, article 115 of the Constitution is articulated, no. 1, letter and, the regulation of economic activities, and also in line with the letter i of paragraph 1 of the same article, it is spoken in the direction of the social and economic sectors that is basic foundation of life the populations of the State⁶.

The involvement of these articles in the National Parliament, as the Timorese Legislative Body, resulted in Law No. 3/2003, on Taxation of Contractors of Bayu-Undam (the exploration of Oil in the High Seas of Timor, in the Bayu-Undam)¹⁹. and, moreover, in Law No. 4/2003, on the development of the Timor Sea (Tax Stability)²⁰. It is to be considered that this tax income is very significant for national revenue. This collection subsidizes 80% of the General Budget of the Timorese State. It should be noted that, in relation to the way municipalities are established, the Central Government has the duty to ensure the process of the operation of the operation of municipalities. Then, the Executive or Central Government and the Timorese Legislature should consider organizing through the Ordinary Laws and Decree laws (these by the Central Government), Tax Laws for municipalities, for the purposes of own collection, that is, to have their own conditions to sustainable in local development, is very important to continue invested in agriculture sector and relevant ministerial cited by (Corte Real AG & Tilman CB., 2024).

CONCLUSION

The Timor-Leste is a country with Unitary status, characterized by the size of the territory, its demographics, strategic and geographical role, a non-complex system of political and financial dependence between governmental, non-governmental and multilateral spheres, the existence of various paths for the provision of public policies and large inter- and intra-municipality disparities. Therefore, with the application of the principle of democratization, local citizens can have access to the decision-making process and the implementation of public policies, with the development of the country. To accelerate this development, it is urgent to open a space as wide as possible in the sphere of

democratization of the territory, through a methodical implementation of decentralization stages, in order to create opportunities and spaces more advantageous so that local citizens can have a voice in decision-making and concrete participation in the development of the country. In order to reach this goal, it is urgently necessary to realize the reality of application or implementation of this model. To this end, the sovereignty body, that is, the Ordinary Legislator, must, with the out most urgency possible, draw up the Local Government Law (provided for in Article 72/CDRTL-2002), the Law on the Division of the Administrative Organization (provided for in Article 71/CDRTL-2002) and the Law on Territorial Division. The Central Government has to show its ability to fulfil its responsibility, to calculate and forecast its own budget in the General State Budget (GSB), for the purposes of financing the appropriate implementation of the implementation of the development program in general and especially health and education are important pillars fundamental of the Government role in the implementation of progress and development sustainability cited by (Corte Real AG. & Tilman CB., 2024) of the decentralization of municipalities, administrative posts and regions of special administration in the national territory of RDRTL or the island of Timor - Leste²¹.

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