

DECREE-LAW NO. 12_2010
of 26 August

Organic of the National Defence Institute

Having been considered that the time has come, and that it is indispensable, to establish the necessary conditions for conducting research and for promoting the teaching of, as well as studies on, matters of defence and security while at the same time valorising the Defence Force, the Security Forces and Services, as well as the Senior Cadres belonging to Public Administration and private entities with an interest on these matters;

Considering that it is advantageous to seize this opportunity in order to create conditions for debating and analysing matters and problems of a socio-political and diplomatic nature relating to the position of the Defence Force in the context of the Nation;

Considering the materialisation of the provisions contained in article 22 of the Organic Law of the Ministry of Defence and Security relating to the establishment of the National Defence Institute;

The objective of this law is therefore to establish the National Defence Institute as part of the Indirect Administration of the State, pursuant to article 10 of Decree-Law no. 12/2006 of 26 July, which provides for its administrative, financial and property autonomy. Nevertheless, a decision was made to provide it with a simple structure, taking into account its embryonic stage.

The structure of the National Defence Institute shall comprise a Director, a General Council, an Executive Board and a Scientific and Pedagogical Council. Such structure meets the objective for which the National Defence Institute was established without unnecessarily encumbering the administrative structure and the public treasury, thereby postponing the establishment of other bodies to a ulterior phase. Thus, during this phase, the National Defence Institute shall operate on the basis of the already existing administrative structure and based on relations to be established with other governmental departments, particularly F-FDTL.

Thus,

Pursuant to article 115.3 of the Constitution of the Republic, the Government enacts the following to have the force of law:

Chapter I

General provisions

Article

Object

This decree-law establishes the National Defence Institute, hereinafter referred to as IDN or Institute, and defines its structure and powers, including the competences of its bodies.

Article 2

Definition

IDN shall be a body overseen by the Government member with competence on defence matters and with the responsibility to conduct studies, research and teaching on National Defence matters.

Article 3

Autonomy

1. IDN shall be integrated in the indirect administration of the State, pursuant to article 10 of Decree-Law no. 12/2006 of 26 July, and shall enjoy administrative, financial and property autonomy pursuant to this law.
2. The Government member with competence on national defence matters may delegate the competences deemed necessary to the fulfilment of its powers to the bodies of IDN.
3. In the exercise of its activities, IDN shall ensure that a special relationship exists with other Government bodies with national defence-related competences and, in particular, with Falintil-FDTL.

Article 4

Powers

1. It shall be incumbent upon IDN, pursuant to article 22 of the Organic of the Ministry of Defence, to study, investigate and promote the teaching of national defence matters and, in particular, to contribute towards:

- a) The definition and updating of the relevant doctrine in the different dimensions of national defence;
- b) The training of the members of the Defence Force, the Security Forces and Services, as well as the Senior Cadres of Public Administration and private entities with an interest on the matters defined in the preceding subparagraph, in articulation with the other services with competence in this area;
- c) The reciprocal clarification and the valorisation of the cadres of the Defence Force and of other bodies and services of the Ministry of Defence and Security, including the public, cooperative and private sectors, through the study, dissemination and debate of the major national and international problems having an incidence on national defence;
- d) The study and investigation of the special military dimension of national defence;
- e) The dissemination of the objectives, challenges and actions of the Ministry of Defence and Security on matters of national defence;
- f) The sensitisation of the population towards the problems of national defence, particularly as regards the conscience towards the fundamental values inherent to such problems and the inherent duties that bind everybody.

2. For the complete fulfilment of its mandate, the Institute shall exchange relations with similar institutions, universities and other tertiary education institutions or other public, private and cooperative bodies, either national or foreign, with a view to strengthening knowledge and disseminating the problematic of national defence.

Chapter II Bodies

Section I Organic structure

Article 5 Organic structure

The following are bodies of IDN:

- a) General Council;
- b) Director;
- c) Executive Board;
- d) Scientific and Pedagogical Council.

Section II General Council

Article 6 Definition

It is incumbent upon the General Council to administer the activities of the Institute in all matters that do not fall under the express competence of other bodies and to ensure its normal functioning.

Article 7 Presidency and composition

1. The General Council shall be presided over by the Government member responsible for Defence and shall have the following composition:
 - a) Government member responsible for the defence, who shall preside it over;
 - b) The Chief of General Staff of the Defence Force;

- c) The Director of the Institute;
 - d) Five voting members;
 - e) Other elements designated by the Government member with competence on defence matters or by the Chief of General Staff of the Defence Force, whenever the latter find their presence necessary.
2. The number of members composing the General Council shall always be an uneven number.
3. Whenever deemed necessary, the General Council may invite other entities to participate in the meetings without the right to vote.
4. The voting members shall be appointed by order of the Government member responsible for defence after hearing the Chief of General Staff of the Defence Force and shall be chosen from among personalities of recognised prestige and relevant experience on national defence from the Defence Force, the Diplomatic Corps, the Magistracy, the University Teaching Corps and the Public Administration.

Article 8

Competence

It shall be incumbent upon the General Council:

- a) To administer the activities of the Institute in all matters that do not fall under the express competence of other bodies and to ensure its normal functioning.
- b) To approve the plans deemed adequate for the development and consolidation of the Institute;
- c) To approve the annual plan of activities of the Institute;
- d) To decide and submit the installation programmes deemed necessary for the execution of the development facilities construction plans;
- e) To approve the budget of the Institute;

- f) To approve the Report and the Accounts of the Institute;
- g) To decide on any other matter submitted to it by the Director of the Institute or by one third of the members of the General Council;
- h) To approve the activities of the Institute which are not envisaged in its annual plan of activities.

Article 9 Meetings

The General Council shall meet ordinarily once per semester and extraordinarily whenever the Government member responsible for defence so convenes.

Section III Director

Article 10 Management of the Institute

1. The IDN shall be headed by a Director who shall depend directly on the Government member responsible for defence.
2. The Director shall have the competence to lead and coordinate the activities of IDN and, in particular:
 - a) To preside over the Executive board and the Scientific and Pedagogical Council;
 - b) To exercise the competencies delegated to him or her by the Government member responsible for defence;
 - c) To represent the Institute in and out of court;
 - d) To coordinate all the activities linked to the functioning of the Institute;
 - e) To prepare the plans deemed adequate to the development and consolidation of the Institute and submit them to the General Council;

- f) To prepare the Plan of Activities, the Budget and the Report and Accounts and submit them to the General Council;
- g) To guarantee and ensure the execution of the budget plan;
- h) To ensure the observance of the applicable legal and regulatory norms;
- i) To ensure the execution of the decisions of the collective bodies of the Institute;
- j) To inform periodically the competent authorities on the activities of the Institute;
- k) To ensure the financial management of the Institute;
- l) To authorise the expenditures under the terms and within the limits established by law on matters of procurement for defence;
- m) To submit all matters requiring superior solution for approval by the Government member responsible for defence.

Article 11 Appointment

1. The Director shall be appointed and dismissed by the Government member responsible for defence after hearing the Chief of General Staff of the Defence Force and shall be chosen from among national senior officers of the Defence Force, diplomats, cathedratric professors or personalities of high scientific and professional merit with relevant experience and recognised merit in the study and investigation of matters of national defence and international relations.
2. The Director shall preferably be a military.

Section IV Executive Board

Article 12

Definition

The Executive Board is the supporting body of the Director of the Institute and has the responsibility to decide on all matters submitted to it by the Director of the Institute.

Article 13 Presidency and composition

1. The Executive Board shall be presided over the by the Director of the Institute and shall have the following composition:
 - a) Director of the Institute, who shall preside it over;
 - b) Between 4 (four) and 8 (eight) voting members freely appointed by the Government member responsible for defence.

Article 14 Competences

It shall be incumbent upon the Executive Board:

- a) To support the Director of the Institute in the exercise of his or her functions;
- b) To decide on matters submitted to it by the General Director;
- c) To analyse the plans and programmes of the Institute and monitor their execution and observance;
- d) To make suggestions on the measures relating to matters of an organisational and administrative character;
- e) To analyse the observance of disciplinary norms and provisions by the pupils, professors and workers, and propose the measures deemed adequate.

Article 15 Meetings

The Executive Board shall meet ordinarily once per month and extraordinarily whenever the Director of the Institute so convenes.

Section V
Scientific and Pedagogical council

Article 16
Definition

The Scientific and Pedagogical Council is the consultative body of the General Council, the Executive Board and the Director as regards the scientific, pedagogical and didactic activities of the Institute.

Article 17
Presidency and composition

1. The Scientific and Pedagogical Council shall have the following composition:
 - a) The Director of the Institute, who presides it over;
 - b) Between 4 (four) and 8 (eight) voting members freely appointed by the Government member responsible for defence;
2. The number of members composing the General Council shall always be an uneven number.
3. The voting members shall be appointed by order of the Government member responsible for defence after hearing the Chief of General Staff of the Defence Force and shall be chosen from among personalities of recognised prestige and relevant experience on national defence from the Defence Force, the Diplomatic Corps, the Magistracy, the University Teaching Corps and the Public Administration.

Article 18
Competences

1. It shall be incumbent upon the Scientific and Pedagogical Council to support the Director by deciding on matters of a pedagogical, cultural and

scientific nature presented to it and by making recommendations of a pedagogical, cultural and scientific nature.

2. It shall also be incumbent upon the Scientific and Pedagogical Council to offer its opinion, whenever necessary, on all initiatives of IDN, notably on:

- a) The annual plan of activities;
- b) The curricular structure of the courses to be imparted by the Institute;
- c) The planning and dissemination of the courses;
- d) The publications of the Institute;
- e) The projects presented by external entities to the Institute;
- f) The investigation projects of the Institute;
- g) The initiatives for disseminating the activities of the Institute and the Government on matters of national defence;
- h) The Protocols signed by the Institute.

Article 19 Meetings

The Scientific and Pedagogical Council shall meet ordinarily once per trimester and extraordinarily whenever the Director so convenes.

Chapter III Planning, teaching, investigating, data, documentation and analysis

Article 20 Instruments

Until such time as the competent bodies are established in terms of development plans and consolidation of the Institute, the activities of planning, teaching, investigating, data collection, documentation and

analysis shall be coordinated by the Director and shall be governed by the following instruments:

- a) The plan of activities;
- b) The decisions of the General Council;
- c) The decisions of the Scientific and Pedagogical Council of a pedagogical, cultural and scientific nature.

Chapter IV Administrative and Financial Activities

Article 21 Instruments

Until such time as the competent bodies are established in terms of development plans and consolidation of the Institute, the administrative and financial activities shall be coordinated by the Director and shall be governed by the following instruments:

- a) The plan of activities;
- b) The annual budget;
- c) The decisions of the General Council;
- d) The decisions of the Executive Board.

Chapter V Economic and financial activity

Article 22 Economic and financial management

The economic and financial management of the Institute shall be governed by the following instruments:

- a) The plan of activities;

- b) The annual budgets.

Article 23

Institute revenues

1. The following, among others to be considered by the General Council, shall constitute revenues of the Institute:

- a) Subsidies or appropriations from the State Budget;
- b) Co-participations or subsidies granted by any national or foreign public or private entity;
- c) Remunerations from any services provided by the Institute;
- d) Proceeds from the sale of publications;
- e) Other revenues collected;
- f) Prior year credit balances.

2. Revenues collected by the Institute shall be deposited in specific accounts with a credit institution to be superiorly defined by the Government member responsible for defence.

Article 24

Expenditures of the Institute

Among other expenditures that may be considered by the General Council, the following shall constitute expenditures of the Institute:

- a) Charges with the respective functioning and fulfilment of duties and competences entrusted to it;
- b) The cost of acquisition, maintenance and conservation of goods, equipment or services that may have to be utilised.

Chapter VI

Final and transitional provisions

Article 25
Regulation

1. Any matters of internal functioning of the structures of the Institute that are not expressly regulated in this decree-law shall be the object of internal regulation.
2. The General Council of the Institute shall be the competent body for approving the internal regulations referred to in the preceding paragraph.

Article 26
Entry into force

This decree-law shall enter into force on the day immediately after its publication.

Approved by the Council of Ministers on 2 June 2010.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Defence and Security,

Kay Rala Xanana Gusmão

Enacted on 3 August 2010.

The President of the Republic

José Ramos-Horta