

# DEMOCRATIC REPUBLIC OF TIMOR-LESTE

## GOVERNMENT

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**Decree-Law No. 3/2002**

**Of 20 September**

### **ON THE ORGANIC STRUCTURE OF THE FIRST CONSTITUTIONAL GOVERNMENT**

Following the international recognition of the independence of the Democratic Republic of Timor-Leste, which occurred on 20 May 2002, and the concurrent transformation of Timor-Leste into an independent and sovereign State;

Taking into account the entry into force of the Constitution of the Democratic Republic Timor-Leste, which occurred on the same date, and particularly the provisions of Chapters I, II and III of its Title IV;

For the purposes of defining the organic structure of the First Constitutional Government that will rule Timor-Leste, in accordance with the provisions of the Constitution and the laws;

Under the terms of the provisions of paragraph 3, section 104, and of paragraph 3, section 115, of the Constitution of the Republic, the Government enacts the following Organic Structure that shall have the force of law:

#### **Section 1 Government Structure**

1. The Government shall be headed by a Prime Minister and shall comprise the following government departments:

- a) Ministry of Foreign Affairs and Cooperation;
- b) Ministry of Justice
- c) Ministry of Planning and Finance;
- d) Ministry of Development and Environment;
- e) Ministry of Transport, Communications and Public Works;
- f) Ministry of Internal Administration;
- g) Ministry of Agriculture, Forestry and Fisheries;
- h) Ministry of Education, Culture, Youth and Sports;
- i) Ministry of Health;
- j) Secretariat of State of Defence;
- l) Secretariat of State of Labour and Solidarity;
- m) Secretariat of State of Trade and Industry; and
- n) Secretariat of State of the Council of Ministers.

2. For the purposes of the provision under paragraph 1 above, to each ministry corresponds one minister and to each secretariat of state corresponds one secretary of state.

3- The following officials are also part of the Government:

- a) one Minister in the Presidency of the Council of Ministers;
- b) one Secretary of State for Parliamentary Issues;
- c) two Vice-Ministers of Foreign Affairs and Cooperation;
- d) two Vice-Ministers of Justice;
- e) two Vice-Ministers of Planning and Finance;
- f) one Vice-Minister of Transport, Communications and Public Works;
- g) two Vice-Ministers of Internal Administration;
- h) one Vice-Minister of Agriculture, Forestry and Fisheries;
- i) one Vice-Minister of Education, Culture, Youth and Sports;
- j) one Vice-Minister of Health;
- l) one Secretary of State for Mineral Resources and Energy Policy;
- m) one Secretary of State for Tourism, Environment and Investment;
- n) one Secretary of State for Electricity and Water; and
- o) one Secretary of State for Education, Culture, Youth and Sports.

4- Exception is made to the office of Minister of Development and Environment under paragraph 2, which shall be held under the regime of accumulation with the office of Prime Minister.

## **Section 2 Council of Ministers**

1-The Council of Ministers is the decision-making body of the Government and shall deliberate on issues that fall within its competence.

2- It shall be incumbent upon the Council of Ministers to define and approve rules and procedures relating to its organization and operation, including the setting up of standing or ad hoc committees for consideration of proposals or submission of recommendations to the Council;

## **Section 3 Composition of the Council of Ministers**

1- The Council of Ministers shall be composed of the following members:

- a) the Prime Minister;
- b) the Senior Minister of Foreign Affairs and Cooperation;
- c) the Minister of Justice;
- d) the Minister of Planning and Finance;
- e) the Minister of Development and Environment;
- f) the Minister of Transport, Communications and Public Works;
- g) the Minister of Internal Administration;
- h) the Minister of Agriculture, Forestry and Fisheries;
- i) the Minister of Education, Culture, Youth and Sports;
- j) the Minister of Health; and
- l) the Minister in the Presidency of the Council of Ministers.

2- The following members of the Government shall participate at the meetings of the Council of Ministers without a right to vote:

- a) the Secretary of State for Defence;
- b) the Secretary of State for Labour and Solidarity;
- c) the Secretary of State for Trade and Industry;
- d) the Secretary of State for the Council of Ministers; and
- e) the Secretary of State for Parliamentary Issues.

3- Vice-Ministers and other Secretaries of State whose attendance has been requested by the Prime Minister may also participate at the meetings of the Council of Ministers without a right to vote.

#### **Section 4 Prime Minister**

1-The Prime Minister shall have inherent competence and delegated competence arising out of the Constitution and the law.

2- It shall be especially incumbent upon the Prime Minister to:

- a) Head the Government and preside over the Council of Ministers;
- b) Lead and direct the Government's general policy and coordinate the governance action;
- c) Exclusively represent the Government and the Council of Ministers in their relations with the President of the Republic and the National Parliament;
- d) Exercise other competencies as may be delegated to him or her by the Council of Ministers;
- e) Exercise other competencies as may be assigned to him or her by law.

3. In the exercise of his or her functions, the Prime Minister shall be assisted by the Minister in the Presidency of the Council of Ministers and by the Secretary of State for Parliamentary Issues.

4. The following services and bodies, as well as those ones that are not expressly incorporated into a ministry or secretariat of state, shall be under the direct purview of the Prime Minister:

- a) the National Service of State Security;
- b) the Office of the Inspector-General;
- c) the Office of the Advisor on Human Rights;
- d) the Office of the Advisor on Image and Media;
- e) the Office of the Advisor on the Promotion of Equality; and
- f) the Unity of Capacity Development.

5- The Central Banking and Payments Authority shall be under the tutelage of the Prime Minister.

6- The Prime Minister may delegate to any member of the Government those competencies relating to the services and bodies under his or her purview.

## **Section 5**

### **Competencies of the Ministers**

Ministers shall have inherent competence and delegated competence arising out of the Constitution and the law.

## **Section 6**

### **Ministry of Foreign Affairs and Cooperation**

1- The Ministry of Foreign Affairs and Cooperation is the government department responsible for designing, executing, coordinating and assessing the foreign policy, as defined and approved by the Council of Ministers, for the areas of diplomacy and international cooperation, consular functions, and promotion and protection of the interests of the East Timorese living overseas, under the terms to be defined in its organic law.

2- The services and bodies that comprise the Ministry of Foreign Affairs shall be provided for in its organic law.

3- In the exercise of his or her functions, the Senior Minister of Foreign Affairs and Cooperation shall be assisted by two Vice-Ministers, and the longest-serving Vice-Minister shall be his or her legal substitute, unless otherwise indicated.

4- The Senior Minister of Foreign Affairs and Cooperation may delegate, with sub-delegation authority, to the Vice-Ministers, those competencies relating to the services or bodies that are under his or her purview.

## **Section 7**

### **Ministry of Justice**

1- The Ministry of Justice is the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the justice and law fields, namely in the areas of legislative reform and legal advice to the Government, penal institutions and social reintegration system, public defender services and registration and notarisation services, as well as matters relating to judicial training, citizenship rights and immovable property administered by the State. It is also responsible for ensuring the relations of the Government with the Office of the Public Prosecutor and the Courts, under the terms to be defined in its organic law.

2- The services and bodies that comprise the Ministry of Justice shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Justice shall be assisted by two Vice-Ministers, and the longest-serving Vice-Minister shall be his or her legal substitute, unless otherwise indicated.

4- The Minister of Justice may delegate, with sub-delegation authority, to the Vice-Ministers, those competencies relating to the services or bodies that are under his or her purview.

## **Section 8**

### **Ministry of Planning and Finance**

1-The Ministry of Planning and Finance is, under the terms to be defined in its organic law, the government department responsible for designing, executing, coordinating and assessing the tax and financial policy, as defined and approved by the Council of Ministers, for the areas of budget, currency and credit. It is also responsible for coordinating the finance of public entities.

2- The services and bodies that comprise the Ministry of Planning and Finance shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Planning and Finance shall be assisted by two Vice-Ministers, and the longest-serving Vice-Minister shall be his or her legal substitute, unless otherwise indicated.

4- The Minister of Planning and Finance may delegate, with sub-delegation authority, to the Vice-Ministers, those competencies relating to the services or bodies that are under his or her purview.

## **Section 9**

### **Ministry of Development and Environment**

1-The Ministry of Development and Environment is the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the areas of promotion of and support to investment, development and tourism, as well as for the areas of energy, natural and mineral resources and environment, under the terms to be defined in its organic law.

2-The services and bodies that comprise the Ministry of Development and Environment shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Development and Environment shall be assisted by one Secretary of State for Mineral Resources and Energy Policy and by one Secretary of State for Tourism, Environment and Investment. Unless otherwise indicated, his or her legal substitute shall be:

- a) The Secretariat of State for Mineral Resources and Energy Policy;
- b) The Secretariat of State for Tourism, Environment and Investment, in case the Secretary of State for Mineral Resources and Energy Policy is absent or unable to act.

4- The Minister of Development and Environment may delegate, with sub-delegation authority, to the Secretaries of State, those competencies relating to the services or bodies that are under his or her purview.

**Section 10**  
**Ministry of Transport, Communications and Public Works**

1- The Ministry of Transport, Communications and Public Works is the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the area of transport and communications, including telecommunications and postal services, as well as for the areas of management of national water resources and meteorology services, under the terms to be defined in its organic law.

2- The bodies or entities that comprise the Ministry of Transport, Communications and Public Works shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Transport, Communications and Public Works shall be assisted by one Vice-Minister or by one Secretary of State for Electricity and Water. Unless otherwise indicated, his or her legal substitute shall be:

- a) The Vice-Minister; or
- b) The Secretary of State for Electricity and Water, in case the Vice-Minister is absent or unable to act;

4- The Minister of Transport, Communications and Public Works may delegate, with sub-delegation authority, to the Vice-Minister or the Secretary of State, those competencies relating to those services or bodies that are under his or her purview.

**Section 11**  
**Ministry of Internal Administration**

1- The Ministry of Internal Administration is, under the terms to be defined in its organic law, the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the areas of public security, criminal investigation, civil protection and immigration, as well as for the civil service. It is also responsible for coordinating the activities of the regional or local governments and ensuring the publication of official documents.

2- The services and bodies that comprise the Ministry of Internal Administration shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Internal Administration shall be assisted by two Vice-Ministers, and the longest-serving Vice-Minister shall be his or her legal substitute, unless otherwise indicated.

3- The Minister of Internal Administration may delegate, with sub-delegation authority, to the Vice-Ministers, those competencies relating to the services or bodies that are under his or her purview.

**Section 12**  
**Ministry of Agriculture, Forestry and Fisheries**

1- The Ministry of Agriculture, Forestry and Fisheries is the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the agriculture sector, namely in the fields of farming research and technical assistance to farmers, including irrigation systems, forest management and cadastral organisation, as well as for the fisheries sector, under the terms to be defined in its organic law.

2- The services and bodies that comprise the Ministry of Agriculture, Forestry and Fisheries shall be those provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Agriculture, Forestry and Fisheries shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise indicated.

4- The Minister of Agriculture, Forestry and Fisheries may delegate, with sub-delegation authority, to the Vice-Minister, those competencies relating to the services or bodies that are under his or her purview.

### **Section 13** **Ministry of Education, Culture, Youth and Sports**

1- The Ministry of Education, Culture, Youth and Sports is, under the terms to be defined in its organic law, the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the area of education, namely in the fields of teaching and literacy programmes, culture and sports. It shall also be incumbent upon this Ministry to implement policies specific to the youth.

2- The services and bodies that comprise Ministry of Education, Culture, Youth and Sports shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Education, Culture, Youth and Sports shall be assisted by one Vice-Minister and one Secretary of State for Education, Culture, Youth and Sports, and his or her legal substitute shall be, unless otherwise indicated:

- a) The Vice-Minister; or
- b) The Secretary of State for Education, Culture, Youth and Sports, in case the Vice-Minister is absent or unable to act.

4- The Minister of Education, Culture, Youth and Sports may delegate, with sub-delegation authority, to the Vice-Minister and the Secretary of State, those competencies relating to the services or bodies that are under his or her purview.

### **Section 14** **Ministry of Health**

1- The Ministry of Health is, under the terms to be defined in its organic law, the government department responsible for designing, executing, coordinating and assessing the policy for health and pharmaceutical activities, as defined and approved by the Council of Ministers.

2- The services and bodies that comprise the Ministry of Health shall be provided for in its organic law.

3- In the exercise of his or her functions, the Minister of Health shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise indicated.

4- The Minister of Health may delegate, with sub-delegation authority, to the Vice-Minister, those competencies relating to the services or bodies that are under his or her purview.

## **Section 15**

### **Secretariat of State for Defence**

1- The Secretariat of State of Defence is, under the terms to be defined in its organic law, the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for national defence, namely for the management and monitoring of the East Timor Defence Force and for the preparation and appropriateness of its military means, as well as for military cooperation.

2- The services and bodies that comprise the Secretariat of State for Defence shall be provided for in its organic law.

3- The following competencies that are necessary for the fulfilment of his or her assignments as provided for in paragraph 1 above shall be deemed to have been delegated to the Secretary of State for Defence:

- a) Implement the policy as defined for his or her Secretariat of State;
- b) Ensure relations between the Government and the other State organs, within the scope of the respective Secretariat of State;

4- The Secretary of State for Defence may sub-delegate, with sub-delegation authority, those competencies relating to the services or bodies that are under his or her purview.

## **Section 16**

### **Secretariat of State for Labour and Solidarity**

1- The Secretariat of State for Labour and Solidarity is the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the area of employment and vocational training, social services and social security, under the terms to be defined in its organic law.

2- The services and bodies that comprise the Secretariat of State for Labour and Solidarity shall be provided for in its organic law.

3- The following competencies that are necessary for the fulfilment of his or her assignments as provided for in paragraph 1 above shall be deemed to have been delegated to the Secretary of State for Labour and Solidarity:

- c) Implement the policy as defined for his or her Secretariat of State;
- d) Ensure relations between the Government and the other State organs, within the scope of the respective Secretariat of State.



4- The Secretary of State for Labour and Solidarity may sub-delegate, with sub-delegation authority, those competencies relating to the services or bodies that are under his or her purview.

### **Section 17** **Secretariat of State for Trade and Industry**

1- The Secretariat of State for Trade and Industry is the government department responsible for designing, executing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for business activities of production of goods and services, namely the industry, activities of provision of services and trade, under the terms to be defined in its organic law.

2- The services and bodies that comprise the Secretariat of State for Trade and Industry shall be those as provided in its organic law.

3- The following competencies that are necessary for the fulfilment of his or her assignments as provided for in paragraph 1 above shall be deemed to have been delegated to the Secretary of State for Trade and Industry:

- e) Implement the policy as defined for his or her Secretariat of State;
- f) Ensure relations between the Government and the other State organs, within the scope of the respective Secretariat of State.

4- The Secretary of State for Trade and Industry may sub-delegate, with sub-delegation authority, those competencies relating to the services or bodies that are under his or her purview.

### **Section 18** **Secretariat of State of the Council of Ministers**

1- The Secretariat of State of the Council of Ministers is the government's department responsible for advising and supporting the Council of Ministers and its chairperson, namely by providing the necessary legal assistance, in conjunction with the Ministry of Justice, as well as by providing the necessary technical and administrative support, coordinating the implementation of the respective decisions, representing the Council in committees set up by the Council and guaranteeing the observance of its rules and procedures, under the terms to be defined in its organic law.

2- The services and bodies that comprise the Secretariat of State of the Council of Ministers shall be provided for in its organic law.

3- The following competencies that are necessary for the fulfilment of his or her assignments as provided for in paragraph 1 above shall be deemed to have been delegated to the Secretary of State for the Council of Ministers:

- g) Implement the policy as defined for his or her Secretariat of State;
- h) Ensure relations between the Government and the other State organs, within the scope of the respective Secretariat of State.

4- The Secretary of State for the Council of Ministers may sub-delegate, with sub-delegation authority, those competencies relating to the services or bodies that are under his or her purview.

## **Section 19**

### **Delegation of competencies**

- 1- For the purposes of the provisions of the present instrument, the delegation or sub-delegation of competencies shall be governed by the rules provided for in the paragraphs below.
- 2- The delegation or sub-delegation of competencies shall only be permitted where expressly provided for.
- 3- The delegation or sub-delegation of competencies is personal, may be revoked at any time and should be reported to the Prime Minister.
- 4- In the formal act of delegating or sub-delegating competencies, the delegator should indicate the respective enabling act and the name of the delegate, and should specify the powers being delegated or the acts that the delegate may perform.
- 5- The delegator may issue binding instructions to the delegate, shall have power to arrogate, as well as power to revoke any acts performed by the delegate.
- 6- The delegate should mention such capacity in the use of delegated or sub-delegated competencies.

## **Section 20**

### **Substitution of Members of the Government**

- 1- Unless otherwise indicated by the Prime Minister, the latter shall, in his or her absence or inability to act, be substituted by a Minister, according to the order of precedence established in paragraph 1 of section 3 above.
- 2- In the absence of a legal substitute or where the person to be substituted fails to designate a substitute, the Ministers or Secretaries of State shall, in their absence or inability to act, be substituted by whoever is designated by the Prime Minister.

## **Section 21**

### **Final and transitional provisions**

- 1- The bodies referred to as Planning Commission and Donor Coordination Office that were under the purview of the former Office of the Chief Minister shall move to the Ministry of Planning and Finance.
- 2- Draft instruments setting out the organic structure of the respective ministries and secretariats of state shall be submitted within 120 days from the date of publication of the present instrument.
- 3- UNTAET Regulation No. 2001/28, of 19 September 2001, on the establishment of the Council of Ministers, and UNTAET Regulation No. 2002/7 on the organic structure of the

Second Transitional Government of East Timor and to amend UNTAET Regulation No. 2001/28, and the other legal or regulatory provisions that conflict with the provisions of the present instrument, are hereby repealed.

## **Section 22**

### **Effects**

The present instrument shall have effect as from 20 May 2002.

Approved by the Council of Ministers, pursuant to the provision of paragraph d), section 116, of the Constitution, on 9 August 2002.

The Prime Minister, Mari Bim Amude Alkatiri

Senior Minister of Foreign Affairs and Cooperation, José Ramos-Horta

The acting Minister of Justice, Domingos Maria Sarmiento

The Minister of Planning and Finance, Maria Madalena Brites Boavida

The Minister of Development and Environment, Mari Bim Amude Alkatiri

The Minister of Transport, Communications and Public Works, Ovídio de Jesus Amaral

The Minister of Internal Administration, Rogério Tiago de Fátima Lobato

The Minister of Agriculture, Forestry and Fisheries, Estanislau da Conceição Aleixo Maria da Silva

The Minister of Education, Culture, Youth and Sports, Armindo Maia

The Minister of Health, Rui Maria de Araújo

Promulgated on 16 August 2002

To be published.

The President of the Republic, José Alexandre Gusmão, 'Kay Rala Xanana Gusmão'