Organisational Structure of the Ministry of Foreign Affairs

Statutes establishing organisational structures are, by definition, structuring instruments of distinct State institutions and, in this sense, it is imperative to provide the Ministry of Foreign Affairs with a specific decree-law on its organisational structure that will take into consideration the specific nature of its governmental responsibilities within the State machinery.

Thus, pursuant to article 115(3) of the Constitution and article 37 of Decree-Law No. 7/2007, of 5 September, the Government enacts the following to have the force of law:

CHAPTER I
NATURE AND RESPONSIBILITIES

Article 1
Nature

The Ministry of Foreign Affairs, hereafter referred to as MNE, is the Government’s main body responsible for the design, execution, coordination and assessment of the policies defined and approved by the Council of Ministers for the areas of diplomacy and international cooperation, and consular functions, including the promotion, representation and defence of the interests of the Timorese abroad.

Article 2
Responsibilities

1. It is incumbent upon the Ministry of Foreign Affairs:

   a) To follow-up the dynamics of international politics;

   b) To draft and propose the key guidelines of the Timorese foreign policy and actions to execute them;

   c) To execute the Timorese foreign policy and watch over its unity and coherence;

   d) To promote the interests of Timor-Leste abroad;
e) To promote, in coordination with other departments, the policy to defend and protect the Timorese abroad;

f) To oversee the services of the Timorese State abroad as provided for in the Vienna Convention;

g) To ensure national representation in other States and regional and international organisations;

h) To centralise the relationships of any Timorese public entities with diplomatic and consular missions of Timor-Leste in other countries and international organisations and with diplomatic and consular missions and international organisations accredited to Timor-Leste, as well as representative offices of foreign co-operation services in Timor-Leste;

i) To enter into bilateral, regional and multilateral agreements without prejudice to the responsibilities of other State bodies or mandates conferred by the Council of Ministers upon other bodies in specific situations;

j) To ensure the overall coordination and management of international cooperation, in consultation with sectoral departments responsible for planning and managing foreign aid;

k) To conduct negotiations aimed at binding the State internationally and ensure the domestication of treaties and conventions;

l) To choose the appropriate diplomatic means required to carry out the country’s foreign policy and conduct the exercise thereof;

m) Coordinate economic, social and cultural cooperation with other countries;

n) To coordinate official visits by foreign entities, as well as coordinate and instruct Government’s official delegations travelling abroad;

o) Advise other ministries and State institutions on matters that, due to their nature, might have a bearing on the country’s foreign policy or on international obligations assumed by Timor-Leste;

2. MNE is the Government’s body with competence to relate to other States or international organisations and their respective representatives.
3. Where other governmental entities have to relate to the outside world, MNE must be informed on a timely and regular basis with a view to safeguarding the unity and coherence of the country’s foreign policy.

CHAPTER II
PURVIEW AND OVERSIGHT

Article 3
Purview and Oversight

The Ministry of Foreign Affairs is within the purview of the Minister of Foreign Affairs who oversees it and is accountable for it to the Prime Ministry. In the exercise of his or her functions, the Minister of Foreign Affairs is assisted by Secretaries of State or Deputy Ministers, who execute the set sectoral policy and exercise such other functions as may be delegated to them by the Minister.

CHAPTER III
ORGANISATIONAL STRUCTURE

SECTION I
OVERALL STRUCTURE

Article 4
Overall Structure

The Ministry of Foreign Affairs fulfils its responsibilities through direct administration services, indirect administration services, advisory bodies, and external services.

Article 5
Direct State Administration

The direct administration services of the Ministry of Foreign Affairs are as follows:

a) The Secretary-General;

b) The Office of Inspection and Auditing;

c) The National Directorate for External Relations;
d) The National Directorate for Regional Co-operation and Integration;

e) The National Directorate for Protocol, Legal and Consular Affairs;

f) The National Directorate for Administration; and

g) The Research and Planning Committee.

**Article 6**

**Indirect State Administration**

On the proposal of the Minister of Foreign Affairs, the Council of Ministers may approve the establishment of bodies endowed with both financial and administrative autonomy within the direct purview of the Minister, with the objective of providing for the operational needs of the Ministry where it becomes evident that the indirect administration modality is the most appropriate one in pursuit of the public interest.

**Article 7**

**External services**

The Ministry of Foreign Affairs comprises the following external peripheral services:

a) Embassies;

b) Permanent Missions;

c) Temporary Missions; and

d) Consular Posts.

**Article 8**

**Advisory bodies**

The Advisory Board and the Coordinating Board are the corporate advisory bodies of the Minister of Foreign Affairs.

**CHAPTER IV**

**SERVICES, BODIES, ADVISORY BODIES AND TERRITORIAL BRANCHES**
Article 9
Secretary-General

1. The Secretary-General is the most senior officer of the Ministry of Foreign Affairs, chosen from amongst senior career diplomats and charged with supervising and ensuring the coordination of matters of a politico-diplomatic nature and providing technical and administrative support, in various areas, to the bodies, services, and offices of the Cabinet members that comprise the Ministry of Foreign Affairs. The areas include the coordination of diplomatic services and the State Protocol, the management of human and financial resources, the training of staff, legal assistance and litigation, information and public relations, including information and communication technologies. The Secretary-General is also responsible for following up and assessing the execution of policies, planning tools and the outputs of the organisation and management systems, in coordination with the other services of the Ministry.

2. It is upon the Secretary-General:
   a) To assist the Minister and Secretaries of State and represent them as and when designated to do so;
   b) To conduct, follow up and coordinate, by way of instructions and recommendations, the execution of policy measures within the competence of the Ministry of Foreign Affairs;
   c) To ensure the transmission of instructions and correspondence destined for embassies, diplomatic missions, permanent and temporary representative offices, and consular posts of Timor-Leste;
   d) To coordinate with the National Directors the process of drafting the planning policy and of carrying out MNE activities, as well as suggest any readjustments or corrections thereof;
   e) To submit to MNE, before the end of each year, a proposal to classify positions held abroad, as well as the annual transfer plan;
   f) To promote the application of organisational and human resources policy measures as defined for the Public Administration by coordinating and supporting MNE services
and bodies in the implementation of such measures, as well as issue opinions on organisational and human resources matters and on the creation or change of staffing tables;

g) To ensure the preparation of MNE operating budget, as well as follow up the execution thereof;

h) To ensure that the State Protocol performs such functions as assigned to MNE by law;

i) To promote an effective communication and public relations policy;

j) To ensure the production of adequate information, notably statistics, within the framework of the statistical system;

k) To supervise the sorting and distribution of MNE correspondence to the relevant organisational units;

l) To ensure support for the exercise of coordinating politico-diplomatic functions;

m) To transmit general instructions to the diplomatic personnel deployed to either internal services or diplomatic missions abroad.

3. The Secretary-General holds a rank equivalent, for all legal intents and purposes, to that of Director-General and is assisted, if need be, by a Deputy Secretary-General, who holds a rank equivalent, for all legal intents and purposes, to that of National Director.

**Article 10**

**Office of Inspection and Auditing**

1. The Office of Inspection and Auditing is the main service that undertakes disciplinary action and audits the ministry’s institutions and services, as well as monitors compliance with applicable laws and administrative regulations.

2. It is incumbent upon the Office of Inspection and Auditing, namely:

   a) To monitor key aspects relating to the legality, regularity and quality of the operations of the services;

   b) To carry out management audits;
c) To gather information on the operations of the services and propose such corrective measures as deemed advisable;

d) To initiate investigations, inquiries and disciplinary proceedings as and when determined by the competent entities for the purposes of prosecution and the appointment of an investigating officer;

e) To initiate inquiries as determined by the Minister;

f) To provide support to the services of the Ministry by working in collaboration with the management thereof in the exercise of disciplinary powers;

g) To monitor compliance with the law and regulations.

3. Inspections and audits to be carried out in MNE external services are done in conjunction with the Ministry of Finance.

4. The most senior officer in the Office of Inspection and Auditing holds a rank equivalent, for all legal intents and purposes, to that of Director-General.

Article 11
National Directorate for External Relations

1. The National Directorate for External Relations is the main service of the Ministry of Foreign Affairs charged with ensuring the effectiveness and continuity of the responsibilities of the Ministry in the area of international political, economic and cultural relations, the follow-up of issues relating to the participation of Timor-Leste in international organisations and bodies, including other relevant organisations, in the area of the country’s foreign policy, as well as ensuring the monitoring of news that might be of interest to Timor-Leste.

2. The National Directorate for External Relations pursues the following responsibilities:

   a) To gather information, express opinions and propose actions on the cultural, economic and political reality in different countries and ensure that all the elements of this reality are brought up to date;
b) To represent the Ministry in interministerial committees and other national bodies within the scope of its responsibilities;

c) To prepare, coordinate and transmit instructions issued to diplomatic missions, permanent representative offices, consular posts, and temporary missions of Timor-Leste;

d) To lead and monitor processes relating to the participation of Timor-Leste in international cultural, economic and political organisations of a multilateral nature;

e) To guide and coordinate the participation of Timor-Leste in the United Nations Organisation, its specialised agencies and institutions, as well as in other organisations and meetings of a multilateral nature beyond the regional space of which Timor-Leste is part;

f) To follow up the operations of other organisations of which Timor-Leste is not a member or is in the process of becoming a member, yet the activities of which are of interest to the country;

g) To take part in the process of negotiating treaties and conventions establishing international economic or political organisations outside the regional geographic area of which the country is part; or transforming or dissolving them and, in particular, in processes relating to the participation of Timor-Leste in such organisations;

h) To assess issues arising from the participation of Timor-Leste in international organisations and meetings on matters of a trade, economic or political nature within the scope of its responsibilities;

i) To actively participate in the Community of Portuguese-Speaking Countries (CPLP);

j) To coordinate the responsibilities of all services and bodies of the Ministry in the area of the media;
k) To gather, select and disseminate news that might be of interest to the different services and bodies of the Ministry;

l) To provide support and assistance to foreign correspondents accredited to Timor-Leste, and coordinate contacts between those professionals and other foreign journalists with official entities;

m) To organise and maintain filing systems for press clippings and other media materials;

n) To assist in organising and covering visits by official entities either visiting Timor-Leste or travelling abroad;

Article 12
National Directorate for Regional Cooperation and Integration

1. The National Directorate for Regional Cooperation and Integration is the service of the Ministry of Foreign Affairs directly responsible for providing guidance on the Timorese foreign policy in regional organisations, especially in those to which Timor-Leste is or wishes to become a party, coordinate bilateral relations with the respective Member States, as well as follow up and coordinate the definition of national positions over regional policies.

2. The National Directorate for Regional Cooperation and Integration pursues the following responsibilities:

a) To follow up processes relating to the preparation and participation of Timor-Leste in meetings of regional organisations of a cultural, economic and political nature;

b) To follow up the operations of other regional organisations of which Timor-Leste is not a member, yet the activities of which are of interest to the country;

c) To prepare, coordinate and transmit instructions that must, within the scope of its responsibilities, be sent to diplomatic missions, permanent representative offices, consular posts and temporary missions of Timor-Leste on matters related to the country’s participation in regional organisations;
d) To initiate negotiations and participate in the process related to the signing and termination of treaties or conventions establishing regional political or economic organisations, or either transforming or dissolving them and, in particular, in processes related to the participation of Timor-Leste in such organisations;

e) To issue policies relating to regional organisations and regional treaties/agreements that Timor-Leste will either sign or be a party to or adhere to;

f) To provide the ministry with up-to-date information on regional organisations, treaties, and developments.

Article 13
National Directorate for Protocol, Legal and Consular Affairs

1. The National Directorate for Protocol, Legal and Consular Affairs is the main service of the Ministry of Foreign Affairs aimed at ensuring the provision of protocol services and advice and assistance, especially in international law, and the management of consular affairs, as well as the coordination and execution of the policy concerning the support to be extended to the Timorese communities living abroad;

2. It is incumbent upon the National Directorate for Protocol, Legal and Consular Affairs:

a) To organise the State Protocol by adopting the rules that will govern the ceremonial and etiquette of the State as provided for by law and in accordance with international practice and the country’s traditions;

b) To ensure compliance with and promote the application of norms and precepts relating to exemptions and privileges attached to the diplomatic status;

c) To prepare, follow up and organise official ceremonies, functions, and solemnities of the State attended by the Head of State, the Speaker of the National Parliament, the Prime Minister, Cabinet members, and other entities on the protocol list;

d) To organise and bring up to date the list of the diplomatic corps accredited to Timor-Leste, including international organisations;
e) To organise, in conjunction with the Offices of the President of the Republic, of the Speaker of the National Parliament, and of the Prime Minister, their respective official trips abroad;

f) To prepare and follow up official and unofficial visits by Heads of State, Prime Ministers, and Ministers of Foreign Affairs to Timor-Leste, as well as by other foreign entities, as may be specifically assigned to it;

g) To draft letters of ratification, credentials, and recredentials, letters rogatory, letters of office, and letters patent, as well as all other instruments or credentials for official delegations;

h) To deal with accreditation requests or acceptance requests for Timorese diplomatic envoys or consular agents abroad;

i) To issue diplomatic passports granted by the Ministry of Foreign Affairs and see to it that the legal precepts on the granting and use thereof are complied with;

j) To promote the application of international rules and precepts that entail the diplomatic status granted to foreign diplomats and other officials with an equivalent rank residing in Timor-Leste who are entitled to exemptions and privileges;

k) To deal with the registration of, and issue number plates to, vehicles owned by diplomatic missions and foreign institutions and by foreigners residing in Timor-Leste who enjoy diplomatic status;

l) To issue opinions, respond to inquiries, prepare studies on domestic and international law, and draft legal documents and legislation;

m) To prepare, assist in and ensure the participation of Timor-Leste in the negotiation of international treaties and agreements;

n) To act as the depositary of international treaties and agreements where the State of Timor-Leste has been designated to that effect;

o) To provide assistance in international matters of a contentious nature to which Timor-Leste is a party;
p) To compile all solemn acts of an international nature to which Timor-Leste is a party, or in which it has an interest, as well as decisions issued by the country’s high courts on matters relating to international law and decisions made by international courts the jurisdiction of which Timor-Leste has accepted or before which it has been a party;

q) To act as a focal point in issues relating to international judicial cooperation;

r) To prepare reports in accordance with the formats used by international bodies;

s) To intervene and draft rebuttals in contentious appeals and monitor the different phases of the proceedings, notably where a service of the Ministry is involved;

t) To express opinions on any investigations, inquiries or disciplinary proceedings;

u) To coordinate and supervise the activities carried out by consular posts;

v) To ensure a concerted action by the State in the field of international relations of a consular character;

w) To help define a policy to assist the Timorese communities living abroad, and coordinate and undertake actions arising from such a policy;

x) To propose, promote and implement programmes to assist Timorese citizens living abroad, in consultation with private and public entities, national or foreign, and international organisations that pursue, on the whole, similar objectives;

y) To ensure the representation of the Ministry in interministerial committees and other national bodies where the responsibilities of the latter cover matters of a consular nature or relating to the situation of Timorese citizens living abroad or the interests arising therefrom.

Article 14
National Directorate for Administration
1. The National Directorate for Administration is the main service of the Ministry of Foreign Affairs the mission of which is to provide adequate financial support, human resources, administrative services, logistics and management of property, as well as information, technology and international communications in order to assist with the effective operations of the Ministry of Foreign Affairs.

2. It is incumbent upon the National Directorate for Administration:
   
a) To ensure the coordination of the external services of the Ministry of Foreign Affairs with the competent services of the Ministry of Finance;

b) To coordinate and provide technical and administrative support to both the internal and external services in the area of financial and budgetary management;

c) To ensure compliance with laws, regulations and other legal provisions of an administrative and financial nature;

d) To prepare, in consultation with the other services, the draft budget of the ministry and see to it that the budgetary rules are complied with;

e) To ensure, in collaboration with the other services and missions abroad, the recruitment, management and training of the human resources of the Ministry, both at headquarters and in diplomatic and consular missions;

f) To guarantee a smooth running of the communications between the Ministry of Foreign Affairs and its missions abroad;

g) To ensure a proper and adequate filing system to store the documentation of the Ministry, including electronic versions;

h) To guarantee an adequate allocation of resources to help fulfil the functions of the Ministry and of the diplomatic missions.

3. The internal and external services and the other entities of the Ministry must furnish the National Directorate for Administration with the information required for exercise of their respective competences.
**Article 15**
Research and Planning Committee

The Research and Planning Committee is a service of the Ministry under the direct supervision of the Secretary-General meant to assess, manage, follow up and implement the policy of the Ministry in the fields of planning, human resources management, administration of finances, property and goods, and administrative modernisation, as well as ensure the preparation of paperwork relating to issues which are common to the services of the Ministry.

**SECTION II**
ADVISORY BODIES AND EXTERNAL SERVICES

**SUBSECTION 1**
ADVISORY BODIES

**Article 16**
Advisory Board

1. The Advisory Board is the body that periodically assists the Minister in reviewing and issuing opinions on the activities carried out by the Ministry and pursues, amongst others, the following responsibilities:

   a) To study and assess the feasibility of decisions made by State bodies with respect to the Ministry;

   b) To define foreign policy guidelines for the Ministry of Foreign Affairs;

   c) To review recommendations made by the Coordinating Board;

   d) To assist in establishing, abolishing and restructuring diplomatic missions of Timor-Leste;

   e) To assist in appointing and dismissing heads of mission, consuls-general and other representatives;

   f) To assist the Minister of Foreign Affairs in dealing with human resources issues;

   g) To advise the Minister of Foreign Affairs on internal rules and regulations;
h) To advise the Minister on the establishment and interruption of diplomatic relations with other countries;

i) To advise on the accession to international agreements and treaties, and the termination thereof, and the withdrawal from organisations;

j) To review and supervise work plans and programmes of the Ministry of Foreign Affairs;

k) To prepare a periodic assessment plan to measure the outcomes achieved;

l) Promote the exchange of experiences and information between all sections and departments of the Ministry and between its managers and personnel;

m) To review draft laws, as well as other type of legislation and documentation that might be produced by the different services of the Ministry.

2. The Advisory Board is comprised of:

   a) the Minister;
   b) the Secretaries of State;
   c) the Secretary-General;
   d) the National Directors;
   e) one representative elected from amongst the ambassadors;
   f) one representative elected from amongst the Plenipotentiary Ministers;
   g) one representative elected from amongst the Embassy Counsellors; and
   h) one representative elected from amongst the Embassy Secretaries.

3. The Advisory Board is presided over by the Minister of Foreign Affairs, whenever he or she is in attendance, who may, in his or her
absences or impediments, delegate this duty to either the Secretary of State or Secretary-General or the highest-ranking diplomatic official sitting on the Board. The Board meets ordinarily once a month and extraordinarily as and when deemed necessary by the Minister.

4. The secretarial work of the Advisory Board is effected by the Secretary-General;

5. The meetings of the Advisory Board are to be recorded in minutes.

**Article 17**

**Coordinating Board**

1. The Coordinating Board is the body of the Ministry the mission of which is to assist the Minister in drafting, coordinating and monitoring the actions carried out by the Ministry within the competences of the Government’s programme and pursues the following responsibilities:

   a) To coordinate, monitor and review the execution of the annual work plan;

   b) To consider, coordinate and harmonise strategies to develop policies for the areas covered by the Ministry;

   c) To recommend the approval of the work plan for the following year.

2. The Coordinating Board is comprised of the members of the Advisory Board mentioned in Article 16(2) and of the heads of diplomatic and consular missions.

3. The Minister of Foreign Affairs may, whenever deemed advisable, invite other entities or individuals, from within or outside the Ministry, to attend Coordinating Board meetings.

4. The Coordinating Board will meet ordinarily once a year and extraordinarily as and when deemed necessary by the Minister.

**SUBSECTION II**

**EXTERNAL SERVICES**

**Article 18**

External Services
1. Missions abroad include diplomatic missions, permanent representative offices, and temporary missions.

2. Consular posts comprise career consulates, consular sections within diplomatic missions, and honorary consulates.

3. The identification, the category, and the headquarters of diplomatic missions, permanent representative offices, consular posts and temporary missions are set out in a list approved by the Minister of Foreign Affairs in coordination with the Minister of Finance.

4. Diplomatic missions and consular posts to be established in countries with which Timor-Leste has or might establish diplomatic relations, permanent representative offices with international bodies, and temporary missions are established by the Minister of Foreign Affairs in coordination with the Minister of Finance.

**Article 19**

**Diplomatic Missions**

1. Diplomatic missions are official representatives of Timor-Leste in other countries and with international organisations with which Timor-Leste has diplomatic relations.

2. Diplomatic missions are led by either ambassadors or chargés d’affairs and special representatives.

3. It is the responsibility of diplomatic missions to carry out the functions as determined in article 3 of the Vienna Convention on Diplomatic Relations, namely:
   a) To represent the State of Timor-Leste abroad;
   b) To protect the interests of Timor-Leste and its citizens abroad;
   c) To provide and gather legitimate information;
   d) To promote economic, cultural and scientific cooperation;
   e) To negotiate and facilitate negotiations;
f) To provide other services as agreed upon between Timor-Leste and the host countries.

4. The criteria, procedures and processes relating to the appointment, transfer, and termination of tenure of ambassadors or chargés d'affairs, and special representatives, are regulated by the Diplomatic Career Statute.

5. Other modalities of representation shall be regulated by ministerial decree.

Article 20
Consular Posts

1. Consular posts are the official representative office of Timor-Leste in countries with which Timor-Leste has diplomatic relations.

2. Consular posts are divided into four categories:
   a) Consulates-General;
   b) Consulates;
   c) Consular Agencies;
   d) Honorary Consulates.

3. The categories referred to in subparagraphs a) to c) of the preceding paragraph are careers based in Consular Posts and are headed by diplomatic career personnel.

4. Honorary Consulates are headed by an Honorary Consul appointed by the Government.

5. It is incumbent upon Consular Posts:
   a) To provide the services set forth in article 5 of the Vienna Convention on Diplomatic Relations;
   b) To protect the interests of Timor-Leste and the Timorese abroad;
   c) To promote cultural, economic and social relationships;
   d) To promote friendship and understanding between communities;
   e) To carry out such other acts as may be delegated thereto by the Government of Timor-Leste.
6. Consular sections may be installed within Embassies of Timor-Leste.

7. The criteria, procedures and processes relating to the appointment, transfer, and termination of tenure of ambassadors or chargés d' affaires, and special representatives, are regulated by the Diplomatic Career Statute.

CHAPTER IV
FINAL AND TRANSITORY PROVISIONS

Article 21
Personnel

1. The personnel of the Ministry of Foreign Affairs is divided into diplomatic and non-diplomatic staff.

2. The diplomatic staff are governed by the legal norms applicable to civil servants until such a time as a specific statute that will regulate the diplomatic career is approved.

3. Managerial positions in MNE services, except as otherwise established in a special statute, are reserved for tenured diplomats as defined in this Organic Law and, in the future, in the Diplomatic Career Statute.

4. The recruitment, appointment, promotion and dismissal of functionaries are effected in accordance with the legal norms applicable to civil servants and the internal norms of the Ministry of Foreign Affairs, notably the Diplomatic Career Statute.

Article 22
Substitutions

Ambassadors, in his or her absences, are substituted with the highest-ranking diplomat in their respective mission.

Article 23
Relationship between services

1. The services of the Ministry of Foreign Affairs must function on the basis of objectives set forth in annual and multiannual work plans as approved by the Minister.
2. The services must collaborate with one another and articulate their activities in such a manner that will promote a uniform and integrated application of the policies of the Ministry.

Article 24
Complementary legislation

1. Without prejudice to the provisions of this statute, it is incumbent upon the Minister of Foreign Affairs to approve by ministerial decree the regulatory procedures for the organisational and operating structure of the services.

2. The staffing table and specific careers, as well as the number of managerial and leadership positions, are approved by a ministerial decree of the Minister of Foreign Affairs in coordination with the Cabinet members responsible for the areas of finance and public administration, having regard to the relevant legal provisions.

3. The ministerial decree mentioned in the preceding paragraph shall be approved within ninety (90) days following the entry into force of this statute.

Article 25
Revocation

Decree No. 1/2003, of 22 July, as well as other legal and regulatory provisions that are contray to this statute are hereby repealed.

Article 26
Entry into force

This statute comes into force on the day following the date of its publication.


The Prime Minister,

[Signed]
(Kay Rala Xanana Gusmão)
The Minister of Foreign Affairs,

[Signed]
(Zacarias Albano da Costa)

Promulgated on 28/02/2008

To be published.

The President of the Republic,

[Signed]
(José Ramos-Horta)