

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT RESOLUTION

1/2002

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APPROVAL OF THE RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

The Council of Ministers is the collegial and decision making body of the Government, consisting of the Prime Minister and Ministers, as well as other members of the Government, and shall exercise the powers assigned to it under the terms of the Constitution and the Law.

Under these terms, the Rules of Procedure of the Council of Ministers constitutes an essential instrument for the smooth running of the Government and is the proper place for the implementation of options taken regarding its organisation and operations, as set out in Decree-Law no. 3/2002 of 20<sup>th</sup> September, which approves the organic structure of the 1<sup>st</sup> Constitutional Government of the Democratic Republic of Timor-Leste.

With the approval of the present Rules of Procedure, discipline will be brought to the functioning of ordinary and extraordinary meetings of the Council of Ministers, in a way that will allow for the correct and expedite exercise of its powers (chapter II), as well as for the regulation of the process by which submissions are drawn up and approved in order to establish an effective coordination between the different members of the Government (chapter III) and to promote the action taken by the Government to ensure it is speedy and efficient.

The experience and teachings gathered from the Manuals of the Council of Ministers of the 1<sup>st</sup> and 2<sup>nd</sup> Transition Governments of Timor-Leste have revealed to be of great use as they have helped ascertain whether a number of organisational solutions and procedures used were well-founded, and should be improved, and at the same time they helped establish a number of practices adopted before as procedural rules, thus promoting the smooth running of the Government.

The Government therefore resolves the following, under the terms of no. 3 of article 115 of the Constitution of the Republic and of no. 2 of article 2 of Decree-Law no. 3/2002 of 20<sup>th</sup> September:

To approve the Rules of Procedure of the Council of Ministers of the 1<sup>st</sup> Constitutional Government, attached to the present resolution, of which it is an integral part.

Approved by Council of Ministers, on 27<sup>th</sup> August 2002

To be published.

Prime Minister, Mari Bim Amude Alkatiri

## ANNEX

### RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS OF THE 1<sup>ST</sup> CONSTITUTIONAL GOVERNMENT

#### CHAPTER I General Provisions

##### Article 1 Nature and function

The organisation and functioning of the Council of Ministers shall be governed by the present Rules of Procedure.

##### Article 2 Location of the meetings

1. The Council meetings shall take place in the Government Palace in Díli.
2. The Council of Ministers may, should it so decide, meet at any other location on national territory.

#### CHAPTER II The Council of Ministers

##### Article 3 Composition

1. The Council of Ministers shall be composed of the Prime Minister, who shall preside, and government ministers.
2. Members of the Government, as referred to in nos. 2 and 3 of article 3 of Decree-Law no. 3/2002 of 20<sup>th</sup> September, shall also take part in the meetings, under the exact terms and conditions set out in this Decree-Law.

#### Article 4 Absence and indisposition

1. The members of the Council of Ministers shall be replaced when they are absent or indisposed in accordance with the provisions set out in Decree-Law no. 3/2002 of 20<sup>th</sup> September.
2. For the purposes of the provisions set out in the above paragraph, absences and indispositions shall be communicated to the Prime Minister, through the office of the Secretary of State of the Council of Ministers, indicating the name of the respective substitute.
3. The communication referred to in the above paragraph shall be signed by a member of the Council of Ministers.

#### Article 5 Meetings

1. The Council of Ministers shall meet ordinarily every week on Wednesdays at 8 a.m.
2. The day and time of meetings may be altered when the Prime Minister so decides and whenever duly justified.
3. The alteration set out in the above paragraph shall not compromise the holding of the weekly meeting of the Council of Ministers.
4. The Council of Ministers shall meet on an extraordinary basis whenever summoned for this effect by the Prime Minister or, should the Prime Minister be absent or indisposed, by the minister replacing him, with the prior authorisation of the Prime Minister.
5. The provisions set out in the present Rules of Procedure shall be applicable to the extraordinary meetings of the Council of Ministers, with the necessary adaptations
6. The working languages of the Council of Minister shall be Portuguese and Tetum.

#### Article 6 Agenda

1. The meetings of the Council of Ministers shall follow a pre-established agenda.
2. Only the Prime Minister can submit to the appreciation of the Council of Ministers submissions that are not included in the respective agenda.

## Article 7 Agenda of the Council of Ministers

1. The organisation of the agenda of the Council of Ministers shall be of the responsibility of the Prime Minister, in accordance with the submissions presented, who shall be assisted by the office of the Secretary of State of the Council of Ministers.
2. The agenda shall be forwarded to the offices of all its members, as well as to the offices of the Secretary of State for Defence, the Secretary of State for Labour and Solidarity, the Secretary of State for Parliamentary Affairs, the Secretary of State of the Council of Ministers, on the Monday immediately before the respective meeting.
3. The agenda of the Council of Ministers shall consist of four parts:
  - a) The first, concerning the approval of the agenda and the minutes of the previous meeting;
  - b) The second, concerning studies, projects, documents or any other form of presentation of issues or matters by any of its members;
  - c) The third, concerning the appraisal of submissions included on the agenda;
  - d) The fourth, concerning an analysis of the political situation, provision of information regarding each governmental department and the debate on issues brought up by its members.

## Article 8 Deliberations

1. The Council of Ministers shall deliberate validly provided that the majority of its members with a right to vote are present.
2. Deliberations by the Council of Ministers shall be taken by consensus or, failing that, by majority of the votes of its members present.
3. The Prime Minister and ministers, and members of the Government substituting a member of the Council of Ministers shall have the right to vote, under the provisions set out in article 4.
4. In the event of a tie, the Prime Minister, in his capacity as president of the Council of Ministers, shall have the casting vote.
5. The submissions presented to the Council of Ministers shall be the object of one of the following deliberations:
  - a) Approval;
  - b) Approval in broad terms subject to corrections or alterations;
  - c) Rejection; or
  - d) Postponement for subsequent appraisal at another meeting.
6. The submissions, object of deliberation referred to in paragraph b) of number 5 above, shall always be presented, one again, to the Council of Ministers for approval of the corrections or alterations made.
7. Submission may be withdrawn at any time by those who proposed them.

## Article 9

### Press release

1. The Secretary of State of the Council of Ministers, in collaboration with the Office for Image and Media, shall draw up a press release after each meeting which shall be conveyed to the media.
2. The drafting of the press release shall be undertaken with the cooperation of all government departments through the provision of statistical data and technical or any other type of information, whenever necessary, on the measures to be announced.
3. The press release shall be read at the end of the meeting of the Council of Ministers it concerns, for approval.
4. The press release shall be transmitted to the media by the spokesperson of the Council of Ministers.
5. When the nature of the matter so justifies, any member of the Government indicated by the Prime Minister may participate in the transmission referred to in number 4 above.
6. For the purposes of the provisions set out in the present article, the press release shall be drawn up and conveyed in Portuguese, without prejudice to subsequently sending it to the media, whenever this is possible, in Tetum.

## Article 10

### Minutes of the Meeting

1. The Secretary of State of the Council of Ministers shall draw up the minutes of each meeting which shall contain information on the meeting concerning the corresponding agenda, and especially the results of the appraisal of the submissions presented and deliberations taken, under the terms of no. 5 of article 8.
2. The minutes of the meeting of the Council of Ministers shall be submitted for approval at the meeting immediately following that which it concerns.
3. There shall be two copies of the minutes, signed by all the members of the Council, one being kept in the Prime Minister's Office and the other at the office of the Secretary of State of the Council of Ministers.
4. Access to the copies referred to in paragraph 3 above shall be provided to any member of the Council of Ministers requesting it, and to the member of Government referred to in no.2 of article 3 of Decree-Law no. 3/2002, of 20<sup>th</sup> September.
5. For the purposes of the provisions set out in no. 1, the technical and administrative support to the meetings of the Council of Ministers shall be provided by employees of the office of the Secretary of State of the Council of Ministers, indicated by that Secretary of State, upon prior authorisation by the Prime Minister.

## Article 11

### Subsequent measures

1. The monitoring of the implementation of the deliberations taken by the Council of Ministers shall be undertaken by the Secretary of State of the Council of Ministers, who is responsible for:
  - a) Encouraging the Minister proposing the draft to introduce corrections or alterations to the wording of the legal diplomas approved under the terms of paragraph b) no. 5 of article 8;
  - b) Leading the process of gathering ministerial signatures on the diplomas approved and, when this is the case, the corresponding promulgation or signing by the President of the Republic and subsequent dispatch to the competent services to be published in the Official Journal of the Republic.
2. Once the alterations referred to in sub-paragraph a) of number 1 above have been introduced, they shall be the object of a new submission, which shall be sent to the office of the Secretary of State of the Council of Ministers under the terms and for the purposes of the provisions set out in no. 6 of article 8.
3. The approved diplomas shall be signed by the competent ministers in this area, under the terms of no. 3 of article 117 of the Constitution within a reasonable time limit, which shall not exceed three days.
4. In emergencies, the Secretary of State of the Council of Ministers may have the diplomas signed in the meeting of the Council of Ministers in which they are approved.
5. After the process of gathering signatures, the draft laws or draft resolutions of the National Parliament shall be sent by the Secretary of State of the Council of Ministers to the Secretary of State for Parliamentary Affairs, who shall conduct the corresponding process of submission to the National Parliament.
6. In the event of promulgation or signing by the President of the Republic, and should further information be required, it shall be provided to the office of the President of the Republic, through the Minister of the Presidency of the Council of Ministers
7. Provisionally and until the appointment of the Minister in the Presidency of the Council of Ministers, the duties referred to in the above paragraph shall be performed by the office of the Prime Minister, through the Secretary of State of the Council of Ministers.
8. The legislative acts which do not require approval by the Council of Ministers shall be forwarded to the Secretary of State of the Council of Ministers to ensure they are forwarded to the competent services in order to be published in the Official Journal of the Republic.

## Article 12 Confidentiality

1. The disclosure of any submissions presented or to be presented to the appraisal of the Council of Ministers shall be forbidden, except for negotiations or hearings to be conducted under the terms of the law.
2. With the exceptions of the provisions set out in article 9, the agendas, appraisals, debates, deliberations and minutes of the Council of Ministers shall be confidential.
3. The offices of the members of the Government shall adopt the necessary measures to ensure there is no violation of the aforementioned confidentiality.

## Article 13 Solidarity

All members of the Government shall be bound to the deliberations taken in the Council of Ministers and shall abstain from any disagreement and shall defend and support such deliberations, whether they were present or not and regardless of their own personal feelings or way they voted.

## Article 14 Committees

1. By way of deliberation by the Council of Ministers, ad-hoc committees may be created of a given nature, of a permanent or temporary nature, with the purpose of coordinating or analysing submissions or presentations of recommendations to the Council of Ministers
2. The composition, nature, attributions, organisation and functioning of the committees shall be defined by resolution of the Council of Ministers which determines the formation of such committees.

## CHAPTER III Preparation of submissions

### SECTION I Submissions

## Article 15 Nature of the submissions

1. Submission is the means by which matters concerning the areas of competence of the Council of Ministers shall be presented to it for appraisal

and deliberation.

2. Only the members of the Council of Ministers or their substitutes may present submissions, under the terms of article 4.
3. Submissions shall be signed by the member of the Council proposing such submission or by his/her substitute, under the terms of article 4.
4. As an internal document of the Government, submissions shall not require communication to any other body or public or private authority.

## Article 16

### Technical rules for the drafting of submissions

1. The submission shall follow a single format made up of the following parts in the order presented below:
  - a) The recommendation in which is presented the draft deliberation to be taken by the Council of Ministers;
  - b) The background in which is described the past events and the current framework or matter object of the recommendation presented, as well the information on former deliberations of the Council of Ministers which are relevant for analysis and appraisal;
  - c) A justification in which are explained the reasons underlying the alteration of the existing situation, under the terms of the recommendation presented;
  - d) The implications, in which are indicated the consequences of a financial and budgetary nature, of a legal nature, and in terms of public opinion, that the recommendations may cause;
  - e) The consultations, in which are mentioned all the public or private organisations and authorities, heard for the drafting of the submission, indicating the corresponding agreement, as well as, should this be the case, the existing alternative proposals, with a precise indication of the proposing entities and justification, duly documented, for its non adoption.
2. The implications shall also include a note for the press release.

## Article 17

### Documents which accompany the draft legislative acts

The submissions which consist in a draft legislative act shall also be accompanied by a justification, which shall include the following elements:

- a) Summary to be published in the Official Journal of the Republic;
- b) Brief description of the contents of the draft;
- c) Express indication of the legislation to be altered or to be revoked and possible complementary legislation;
- d) Articulation with the Programme of the Government;
- e) The grounds explaining the form proposed for the draft legislative act.



Article 18  
Technical rules for the drawing up of draft legislative acts

All draft legislative diplomas included in the submissions to be presented to the Council of Ministers shall conform to the following steps:

- a) They shall start with an introduction, for the purpose of informing the public, forming a single body with the corresponding articles;
- b) At the end of the introduction, reference shall be made to the negotiation, participation or hearing of authorities, the previous report on which had been requested by the Government, or in other words, it had been legally requested;
- c) The drafts shall be in the form of articles and whenever justified and given their size or theme, shall be systematically broken down into titles, chapters, sections and sub-sections;
- d) Each title, chapter and section, as well as each article shall be attributed an epigraph to explain its contents ;
- e) Each article shall address a single topic, its corresponding paragraphs being sub-divided into sub-paragraphs;
- f) The identification of the articles shall be done by way of numbers, whereas the sub-paragraphs shall be referred to by letters of the Portuguese alphabet and in no case shall they be numbered;
- g) The general principles of the draft shall be included at the beginning, containing its object and scope and definitions required for it to be understood;
- h) The substantive rules shall precede the adjectival rules.
- i) The final and transitory provisions shall be placed at the end of the draft and shall contain the transitory regime, the entry into force, when so justified, and the revocations;
- j) The revocations shall always be expressed;
- l) The maps, graphs, tables, models or other accessory elements shall be included in numbered annexes referred to in the articles;
- m) International conventions shall clearly identify all the binding instruments of the State of Timor-Leste;
- n) The provisions set out in Law no. 1/2002 of 7<sup>th</sup> August concerning the publication, identification and manual of precedents for acts shall be complied with.

SECTION II  
Opinions

Article 19

Opinion of the Minister of Planning and Finance

1. All Government acts which involve an increase in expenses or decrease in revenue shall obligatorily be approved by the Minister for Planning and

Finance.

2. All submissions which involve financial or budgetary implications shall require the opinion of the Minister for Planning and Finance.
3. The Minister proposing the submission shall be responsible for requesting that the Minister for Planning and Finance issue an opinion.

#### Article 20

##### Opinion of the Minister of Justice

1. All submissions which involve the alteration of existing legislation or the drafting of new legislation shall require the opinion of the Minister of Justice.
2. The Minister proposing the submission shall be responsible for requesting that the Minister of Justice issue an opinion.

#### Article 21

##### Opinion of the Minister of the Interior

1. Draft diplomas on the organisation and functioning of Public Administration and the Civil Service shall require the opinion of the Minister of the Interior.
2. The Minister proposing the submission shall be responsible for requesting that the Minister of the Interior issue an opinion.

#### Article 22

##### Opinion of the Minister for Development and the Environment

1. Submissions which involve topics related to the promotion and support of investment, development and tourism, as well as matters related to the areas of energy, natural resources and minerals and protection of the environment shall require the opinion of the Minister for Development and the Environment.
2. The Minister proposing the submission shall be responsible for requesting that the Minister of Development and the Environment issue an opinion.

#### Article 23

##### Opinion of the Minister for Foreign Affairs and Cooperation

1. Submissions with implications in the areas of international relations and international cooperation, as well as the promotion and defence of the interests of the Timorese abroad shall require the opinion of the Minister of State, of Foreign Affairs and Cooperation.
2. The Minister proposing the submission shall be responsible for requesting that the Minister of State, of Foreign Affairs and Cooperation Development and the Environment issue an opinion.

Article 24  
Time limit to issue an opinion

The opinions referred to in the articles above shall be issued within a time limit of eight days or, in an emergency, of three days, as of the date of its request by the minister responsible for the submission.

SECTION III  
Forwarding submissions to be placed on the agenda and to be circulated

Article 25  
Sending of submission

1. Submissions shall be sent to the office of the Secretary of State of the Council of Ministers by the office of the minister having proposed such submission.
2. Draft legislative acts shall be sent together with the corresponding data medium.

Article 26  
Returning, placing on the agenda and circulation

1. The Secretary of State of the Council of Ministers shall be responsible for the appraisal of submissions sent him/her, after which and depending on the case:
  - a) He/she shall determine whether to return it to the proposing authorities, should the requirements and formalities set out in the Rules of Procedure not have been respected, the appropriate form has not been followed or there are elements which are not constitutional, irregularities or gross or blatant shortcomings, if they cannot be immediately suppressed;
  - b) He /she shall propose to the Prime Minister that they be placed on the agenda.
2. The submissions on the agenda shall be circulated under the terms of the provisions set out in no. 2 of article 7, the delivery of which shall be made against receipt on which is stated the date and the time of reception and the signature of the member of the office receiving the agenda.

Article 27

Impossibility preventing submissions to be placed on the agenda

The presentation of the submission without observing all the formalities set out in articles 15 to 18, as well as the opinions referred to in articles 19 to 21, shall mean it shall not be placed on the agenda at the Council of Ministers' meeting.

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