

**Law no. 6/2010
of 12 May**

ON INTERNATIONAL TREATIES

There is a clear degree of openness of the Constitution of the Democratic Republic of Timor-Leste insofar as International Law is concerned, particularly if one considers the inclusion in the Constitution of a set of general principles and objectives of International Law aimed at governing the acts of the Timorese State in the field of international relations.

The consecration by the Constitution, as a fundamental objective of the State, of the establishment and development of relations of friendship and cooperation among all peoples and States, and the acceptance, also by the Constitution, of the Universal Declaration of Human Rights as a criteria for interpreting the fundamental rights, also bear witness to the openness of the Fundamental Law of the Nation.

Considering the degree of relevance conferred to international relations, it is imperative to clearly specify the international procedures for concluding treaties as fundamental norms established among subjects of International Law.

The need also exists to specify the internal procedures for integrating treaties into the internal juridical order.

Thus, pursuant to articles 92 and 95.1 of the Constitution of the Republic, the National Parliament enacts the following to have the force of law:

**Article 1
Definitions**

For the purposes of this law:

a) “Agreement by exchange of notes” means the adoption or authentication that takes place when a treaty is divided into two or more identical instruments, each of them containing the intention of the respective State to bind itself. Adoption shall take place by the mere signature of the

representatives of the State, followed by the exchange of signed diplomatic notes.

b) “Adhesion” means a form of binding to a treaty not authenticated by the State where such State has not taken part in its negotiation and adoption.

c) “Adoption” means the act that puts an end to the negotiation of a treaty, establishing its text.

d) “Signature on a solemn treaty” means the act that authenticates the text and binds the State not to act in the sense of rendering the treaty impracticable.

e) “Signature on a simplified agreement” means the act that authenticates the text and simultaneously binds the State.

f) “Authentication” refers to the stage where the text of the treaty, once already adopted, is formally recognised and considered to be final by the participants to the negotiations.

g) “Letter of Credential” means the document, issued by the Minister for Foreign Affairs, which designates the delegation to participate in international meetings and conferences and authorizes the head of the delegation to sign the final act.

h) “Negotiations” refers to the state in which the text of the treaty is conceived, prepared and drafted.

i) “Full Powers” refers to the document issued by the Council of Ministers indicating a person or head of delegation to represent the Government in the negotiation, adoption or authentication of the text of a treaty, to express the consent of the State to be bound by a treaty or to undertake any other act relating to the treaty.

j) “Ratification” means a form of binding to a solemn treaty.

k) “Treaty” refers to any agreement concluded between two or more subjects of Public International Law intended to produce juridical effects and regulated by International Public Law.

Article 2

Scope

1. This law shall govern the procedures for concluding international treaties to which Timor-Leste is a party.
2. For the purposes of this law, international treaty shall mean any agreement concluded in writing between the Timorese State and another one or more subjects of International Law or international financial institutions intended to produce juridical effects and regulated by International Law, irrespective of its designation as agreement, charter, convention, declaration, statute, protocol, treaty or other designation agreed to.

Article 3

Classification of Treaties

1. Treaties shall be in solemn form or in simplified form.
2. Binding of the Timorese State to treaties in solemn form shall take place by ratification.
3. Binding of the Timorese State to agreements in simplified form shall take place following approval, which may be the prerogative of the National Parliament or of the Government, depending on the division of their respective legislative competences.

Article 4

Stages

1. The making of an international treaty shall correspond to a procedure containing the following stages:
 - a) Negotiation of the text of the treaty and its adoption and authentication.
 - b) Consent of the State to be bound by the treaty.
 - c) International communication or notification of such binding.
 - d) Entry into force of the treaty.

2. Stages a) and b) shall be essentially governed by internal law, whereas stages c) and d) shall be essentially governed by international law.

Article 5

Document of Full Powers and Letter of Credential

1. A representative or head of delegation charged to negotiate, adopt or authenticate the text of a treaty or to undertake any other act relating to the treaty shall be in the possession of a document of full powers issued by decision of the Council of Ministers.

2. A person or persons traveling abroad in representation of the Government to participate in international meetings and conferences shall be in possession of a letter of credentials issued by the Minister for Foreign Affairs authorizing his or her presence and for the head of delegation.....to sign the final act.

3. The President of the Republic, the Prime Minister, and the Minister for Foreign Affairs shall not need any of the documents referred to in the preceding paragraphs in their trips abroad, irrespective of the objectives of such trips.

Article 6

Negotiation

1. Negotiation of international treaties shall be the prerogative of the Government.

2. The organ charged with negotiating shall be the Ministry for Foreign Affairs, without prejudice to the competences specifically conferred to other government departments or to the mandates conferred by the Council of Ministers to other organs in specific situations. Negotiation of international treaties shall be authorized by the Council of Ministers and the delegation charged with the negotiation shall include, at the minimum, a jurist.

3. Negotiation of international treaties shall be authorized by the Council of Ministers and the delegation charged with negotiating shall include, at the minimum, a jurist.

4. In agreements in the area of defense and security, the competence for conducting the entire negotiating process shall be the responsibility of the President of the Republic, in concertation with the Government, with the approval of same agreements being the prerogative of the National Parliament.

Article 7 **Adoption and authentication**

1. International adoption of the text shall require unanimity of the States that took part in the negotiations, except where the treaty has been negotiated at an international conference, in which case it shall suffice a majority of two-thirds of the States present and voting.

2. Following the authentication, the text of the adopted Treaty is formally recognised and considered as final by the participants in the negotiation, and it may be done by the signature, signature ad referendum, or initialing, by the representatives of the States of the text of the treaty or the final act of a conference in which the text was made.

3. Adoption of treaties may also take place by exchange of notes where such act has been previously agreed upon between the States party to the treaty.

Article 8 **International responsibility**

The signing of a treaty implies the recognition of the rights and obligations contained in the text of that treaty.

Article 9 **Binding**

1. In case of solemn treaties or conventions, binding shall take place by ratification, a competence of the National Parliament.

2. In case of international agreements in simplified form, the form of binding shall consist in its approval, which may be the competence of the National Parliament if the agreements relate to matters under its exclusive

competence or to basic issues of the external policy of the country, or the competence of the Government in the remaining cases.

3. Binding in the internal order shall always have the form of resolution be it in the case of solemn treaties or of agreements in simplified form.

4. International treaties shall produce effects on the internal order following their publication in the official gazette.

5. Decisions to approve or ratify international treaties may be subject to a prior binding referendum, pursuant to applicable legislation.

Article 10 **Deadline**

In case of treaties to be approved or ratified by the National Parliament, the Prime Minister, after their approval by the Council of Ministers, shall forward them to the National Parliament within fifteen days.

Article 11 **Reserves**

The issuance, modification and revocation of reserves shall follow the same rules defined for the competence and procedure for negotiation and binding to international commitments relating to the reserves.

Article 12 **Unbinding**

It shall be incumbent upon the competent organs to initiate the process of unbinding.

Article 13 **Deposit**

1. After ratification, adhesion and approval of international treaties, the original documents shall be forwarded for deposit, within thirty days, to the Ministry for Foreign Affairs, and shall be deposited in a room specifically for that purpose.

2. The Ministry for Foreign Affairs shall issue a yearbook containing a compilation of all international treaties to which the Democratic Republic of Timor-Leste is a party.

3. The President of the Republic, the Council of Ministers, the National Parliament and the Court of Appeals shall receive a copy of the international treaties concluded.

Article 14 Implementation

The State shall take the necessary measures to ensure that the treaties are respected and complied with.

Article 15 Entry into force

This law shall enter into force on the day after its publication in the Official Gazette.

Approved on 23 February 2010.

The Speaker of the National Parliament *ad interim*.

Vicente da Silva Guterres

Promulgated on 5 May 2010

For publication

The President of the Republic

Dr. José Ramos-Horta