



**DIRECTIVE NO. 2001/3**

**ON THE ESTABLISHMENT OF CONSTITUTIONAL COMMISSIONS FOR EAST  
TIMOR**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council Resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No.1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

Pursuant to UNTAET Regulation No. 2001/2 of 16 March 2001 on the Election of a Constituent Assembly to Prepare a Constitution for an Independent and Democratic East Timor,

For the purpose of soliciting the views of the people of East Timor on the future Constitution of an independent and democratic East Timor, in coordination with civil society initiatives,

Promulgates the following:

**Section 1**

**Establishment of the Constitutional Commissions**

1.1 There shall be established a Constitutional Commission in each of the thirteen (13) administrative districts of East Timor (hereinafter: Constitutional Commissions).

1.2 Each Constitutional Commission shall be independent of the Transitional Administration, including the National Council, and shall be independent of other Constitutional Commissions.

1.3 The period of operation of the Constitutional Commissions shall be from 1 April 2001 until 15 July 2001. The period of operation of any of the Constitutional Commissions may be extended at the discretion of the Transitional Administrator.

## Section 2

### Mandate of the Constitutional Commissions

2.1 The Constitutional Commissions shall solicit the views of the people of East Timor on the future Constitution of an independent and democratic East Timor.

2.2 Each Constitutional Commission shall solicit the views of the people of the district in which the Constitutional Commission is established. In so doing, a Constitutional Commission may make use of national and international experts as appropriate.

2.3 Each Constitutional Commission shall prepare a written report (hereinafter: Constitutional Report) for submission to the Constituent Assembly. Each Constitutional Report shall accurately describe the views of the people which are solicited by the Constitutional Commission.

2.4 Each Constitutional Report prepared by the Constitutional Commissions shall be presented to the Transitional Administrator before the expiry of the period of operation of the Constitutional Commissions.

## Section 3

### Coordination with civil society

In fulfilling the mandate described in Section 2, each Constitutional Commission shall

- (a) take note of civil society initiatives which are carried out in the district in relation to constitutional issues, including civic education initiatives;
- (b) so far as possible, coordinate with civil society initiatives to ensure that the people of the district are informed of the constitutional development process in East Timor and the main constitutional issues facing East Timor prior to giving their views to the Constitutional Commission; and
- (c) make appropriate use of any other constitutional consultation processes that may take place in the district, including constitutional meetings and workshops organised by civil society.

## Section 4

### The Transitional Administrator

4.1 The Transitional Administrator shall make the Constitutional Reports available to the public.

4.2 The Transitional Administrator shall, on behalf of the Constitutional Commissions, present the Constitutional Reports to the Constituent Assembly on the first day of sitting of the Constituent Assembly.

Section 5  
Constituent Assembly

Nothing in the present directive may be interpreted as limiting or otherwise affecting the mandate of the Constituent Assembly as described in Section 2 of UNTAET Regulation No. 2001/2 on the Election of a Constituent Assembly to Prepare a Constitution for an Independent and Democratic East Timor.

Section 6  
Composition of the Constitutional Commissions

6.1 Each Constitutional Commission shall consist of between five (5) and seven (7) members. All members of a Constitutional Commission shall be East Timorese.

6.2 Members of Constitutional Commissions shall be appointed by the Transitional Administrator after consultation in the districts. Members shall be persons who are respected in their community, and shall carry out their duties in an impartial manner.

6.3 Each Constitutional Commission shall elect one of its members to serve as Chairman.

6.4 A member of a Constitutional Commission who is nominated by a political party as a candidate for election to the Constituent Assembly, or who applies for nomination as an independent candidate for election to the Constituent Assembly, shall resign from the Constitutional Commission immediately.

Section 7  
Oath or solemn declaration

Upon appointment, each member of a Constitutional Commission shall submit a signed copy of the following oath (or solemn declaration) to the Transitional Administrator:

“In order to implement the decision of the people of East Timor in the popular consultation of 30 August 1999,

I swear (solemnly declare) that I will faithfully solicit the views of the people of East Timor on the future Constitution of an independent and democratic East Timor, and otherwise seek to ensure that the Constitutional Commission fulfills its mandate, and

I will actively participate in the work of the Commission and, at all times, promote respect for human rights, the rule of law, and democratic principles. I will perform my duties without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property or birth.”

Section 8  
Removal and replacement

8.1 If, at any time, the Transitional Administrator concludes on the basis of substantial evidence that any member of a Constitutional Commission has violated the principles

enshrined in the oath or solemn declaration, the Transitional Administrator may remove that member from the Commission.

8.2 In the event of the resignation, removal or death of a member of a Constitutional Commission, the Transitional Administrator shall appoint a new member to the Commission in accordance with the present directive.

## Section 9 Public Hearings of the Constitutional Commissions

9.1 Each Constitutional Commission shall conduct at least one (1) Public Hearing in each of the administrative sub-districts of the district in which the Constitutional Commission was established.

9.2 The Public Hearings described in Section 9.1 shall be for the express purpose of soliciting the views of the people of the district in which the Constitutional Commission is established.

9.3 Nothing in the present Section shall prevent a Constitutional Commission from conducting Public Hearings in the district in addition to those described in Section 9.1.

9.4 Nothing in the present Section shall prevent a Constitutional Commission from soliciting the views of the people of the district by means other than Public Hearing.

## Section 10 Daily honoraria

Members of Constitutional Commissions shall receive daily honoraria in accordance with their attendance at Public Hearings. Such honoraria shall be prescribed by the Transitional Administrator.

## Section 11 Rapporteurs

11.1 The Transitional Administrator shall appoint one (1) East Timorese person to serve as a Rapporteur for each Constitutional Commission.

11.2 A Rapporteur shall be a full-time member of the staff of a Constitutional Commission, and shall assist the Constitutional Commission in fulfilling its mandate described in Section 2 of the present directive.

11.3 Rapporteurs shall receive such remuneration as may be prescribed by the Transitional Administrator.

11.4 A Rapporteur who is nominated by a political party as a candidate for election to the Constituent Assembly, or who applies for nomination as an independent candidate for election to the Constituent Assembly, shall resign from the Constitutional Commission immediately.

Section 12  
Entry into force

The present directive shall enter into force on 30 March 2001.

Sergio Vieira de Mello  
Transitional Administrator