



UNTAET/REG/2000/23

14 July 2000

REGULATION NO. 2000/23

**ON THE ESTABLISHMENT OF THE CABINET OF THE TRANSITIONAL
GOVERNMENT IN 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,

Taking into account UNTAET Regulation No. 1999/2 of 2 December 1999 on the Establishment of a National Consultative Council,

For the purpose of establishing the UNTAET Transitional Government aimed at effectively governing and administering East Timor during the transitional period, leading to the adoption of a constitution and the establishment of a democratically elected government for East Timor,

Acting to enhance the participation and responsibility of East Timorese in the formulation of policies and programs of the transitional government,

After consultation in the National Consultative Council,

Promulgates the following:

Section 1
Cabinet

1.1 Acting under the authority vested in him under UNTAET Regulation No. 1999/1, the Transitional Administrator hereby establishes the Cabinet of the Transitional Government in East Timor.

1.2 The Cabinet established pursuant to Section 1.1 of the present regulation shall consist

of Cabinet officers holding portfolios as determined by the Transitional Administrator who may change the composition of the Cabinet at his discretion.

1.3 Cabinet officers shall be vested with executive authority over such offices and departments as may be assigned to the respective portfolios by the Transitional Administrator and by future UNTAET regulations and directives.

Section 2 Appointment and Conditions of Service of Cabinet Officers

2.1 The Transitional Administrator shall appoint the Cabinet after appropriate consultation with representative East Timorese groups.

2.2 Cabinet officers shall be accountable to the Transitional Administrator.

2.3 The remuneration of Cabinet officers shall be determined by a directive to be promulgated by the Transitional Administrator.

2.4 Cabinet officers shall perform their respective functions in accordance with the present regulation and the applicable law in East Timor as defined in Section 3 of UNTAET Regulation No. 1999/1.

Section 3 Deputy Cabinet Officers

3.1 The Transitional Administrator may appoint Deputies to the Cabinet officers appointed pursuant to Sections 1.1, 2.1 and 14 of the present regulation. Such Deputies shall be known as Deputy Cabinet officers.

3.2 The Deputy Cabinet officers shall be accountable to the Transitional Administrator, and their remuneration may be determined by a directive to be promulgated by the Transitional Administrator.

3.3 The Deputy Cabinet officers shall not be members of the Cabinet but may attend Cabinet meetings. Nothing in the present Section shall preclude Deputy Cabinet officers from deputizing for the respective Cabinet officers at the Cabinet meetings.

3.4 Upon appointment, each Deputy Cabinet officer shall make an oath or solemn declaration as may be determined by the Transitional Administrator.

3.5 Sections 2.4, 7, 8, 9 and 10 of the present regulation shall be applicable to the Deputy Cabinet officers, as appropriate.

Section 4 Functions of the Cabinet

4.1 The Cabinet shall have the following functions:

- (a) to formulate policies and programs for the government of East Timor;
- (b) to supervise the East Timor Administration;

- (c) to recommend regulations for consideration by the National Council established pursuant to UNTAET Regulation No. 2000/ 24;
- (d) to recommend to the Transitional Administrator the approval and promulgation of regulations as adopted by the National Council or to return the draft regulations to the National Council with the Cabinet's recommendations for further consideration; and,
- (e) to recommend to the Transitional Administrator the approval and promulgation of directives.

4.2 The Cabinet shall have the authority to call upon competent officials of the East Timor Administration to provide necessary and pertinent information as and when required for the transaction of its business.

4.3 Cabinet decisions are subject to the review and approval of the Transitional Administrator. Absent such review and approval, Cabinet decisions shall not have effect.

Section 5 Cabinet Meetings

5.1 Meetings of the Cabinet shall be chaired by the Transitional Administrator and, in his/ her absence, by his/ her Deputy. In the absence of both the Transitional Administrator and his/ her Deputy, the Transitional Administrator shall designate the Chairman.

5.2 In the event that a Cabinet officer is unable to attend a Cabinet meeting, such Cabinet officer may appoint an official as the designee to attend meetings and vote in his or her stead. In so doing, the designee concerned shall strictly abide by the instructions of the Cabinet officer, if any.

5.3 The Cabinet measures shall be adopted by the majority vote of the Cabinet. In the event of a tie, the Transitional Administrator shall cast the deciding vote. In his/ her absence, the Transitional Administrator may authorize the Chairman to cast the deciding vote.

5.4 Upon adoption, a Cabinet decision shall be deemed to have been endorsed by all Cabinet officers, and they shall be bound by such decision

Section 6 Rights and Duties of Cabinet Officers

6.1 Cabinet officers shall have the right to participate, but not vote, in the debates of the National Council established pursuant to UNTAET Regulation No. 2000/ 24.

6.2 If called upon by the National Council pursuant to Section 2.1 (c) of UNTAET Regulation No. 2000/24, Cabinet officers shall appear before said body to respond to questions pertaining to their respective functions as established under the present regulation.

Section 7 Privileges and Immunities of Cabinet Officers

7.1 Cabinet officers shall enjoy such privileges and immunities as are provided by law.

7.2 No Cabinet officer shall be liable, either criminally or civilly, for any act of commission or omission, if the matter or thing was done in good faith for the purpose of executing any provisions of any law. Such privilege shall not extend to acts of commission or omission arising out of intentional wrongful conduct or gross negligence.

Section 8
Non-disclosure

Cabinet officers and officials of the East Timor Administration and UNTAET who participate in Cabinet meetings shall declare in writing that they shall keep confidential all matters of confidential nature that come into their possession in the performance of their functions and duties as established by the present regulation. Such restriction shall apply also after separation from office.

Section 9
Conflict of Interest

9.1 Cabinet officers, unless otherwise exempted, shall make written declarations of all commercial and financial interests or activities undertaken for financial gain by themselves or by their spouses, if any. Such declaration:

- a) shall be submitted within a period of three (3) months from the date of the acceptance of appointment as Cabinet officers;
- b) shall be updated as and when required; and,
- c) shall be recorded in a 'Register of Cabinet Interests' ('the Register') which shall be maintained by the Transitional Administrator.

9.2 The information contained in the written declaration made by Cabinet officers and recorded in the Register as required by Section 9.1 of the present regulation shall be treated as confidential and may only be disclosed as provided for by law. The Transitional Administrator shall establish the conditions and circumstances under which the information provided within the Register may be released to other officials.

9.3 Cabinet officers shall not place themselves in a position of being under the moral obligation to accord preferential treatment or special consideration to any person or entity in return for the acceptance of, directly or indirectly, any gift, gratuity or favor, entertainment, loan or anything of monetary value.

9.4 In situations of possible or perceived conflict of interest between a cabinet officer's functions and private interests,

- a) the Cabinet officer concerned shall disqualify himself or herself from any decision-making related to such matter;
- b) in the event of any uncertainty, the Cabinet officer concerned shall refer the matter to the Transitional Administrator for a determination as to whether the circumstances require disqualification of such Cabinet officer. The decision of the Transitional Administrator shall be dispositive of the matter.

9.5 At no time shall Cabinet officers use property belonging to the East Timor Administration, or information acquired in their official capacities, for activities unrelated to their official functions and duties.

9.6 Within a stated period, as defined by the Transitional Administrator, after separation from government service, former cabinet officers shall obtain the permission of the Transitional Administrator prior to accepting paid or unpaid employment or consultancy assignments from business or private concerns that are in a financial relationship with the East Timor Administration or UNTAET.

9.7 Any cabinet member who knowingly and recklessly violates the provisions of Sections 9.1 through 9.6 of the present regulation shall be subject to appropriate disciplinary and administrative measures as determined by the Transitional Administrator.

Section 10 Code of Conduct for Cabinet Officers

The Transitional Administrator may promulgate a Code of Conduct for Cabinet officers.

Section 11 Oath or Solemn Declaration

11.1 Upon appointment, each Cabinet officer shall make the following oath or solemn declaration before the Transitional Administrator:

“ I swear (solemnly declare) that in carrying out the duties entrusted to me as a Cabinet officer of the East Timor Transitional Government,

I respect and will act in accordance with the outcome of the popular consultation of 30 August 1999,

I will promote the development of democratic institutions for an independent East Timor and support the work of the United Nations Transitional Administration in East Timor; and

I will actively participate in the work of the Cabinet 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, color, language, religion, political or other opinion, national or social origin, association with a national minority, property or birth.”

11.2 After having orally completed the oath (or the solemn declaration) specified in Section 11.1 of the present regulation, each Cabinet officer shall submit a signed copy of such declaration to the Transitional Administrator.

Section 12 Secretariat

The Cabinet may establish a Secretariat to assist in the performance of its functions.

Section 13
Authority of the Transitional Administrator

Nothing in the present regulation shall derogate from the authority of the Transitional Administrator as established by United Nations Security Council Resolution 1272 (1999) of 25 October 1999 and UNTAET Regulation No. 1999/1.

Section 14
First Cabinet

The First Cabinet and the portfolios of the respective Cabinet officers as established pursuant to Sections 1.2 and 2.1 of the present regulation shall be as follows:

- a) Internal Administration;
- b) Infrastructure;
- c) Economic Affairs;
- d) Social Affairs;
- e) Police and Emergency Services;
- f) Political Affairs;
- g) Justice; and,
- h) Finance.

Section 15
Entry into Force

The present regulation shall enter into force on 14 July 2000.

Sergio Vieira de Mello
Transitional Administrator