



UNTAET/REG/2002/07
18 May 2002

REGULATION NO. 2002/07

**ON THE ORGANIC STRUCTURE
OF THE SECOND TRANSITIONAL GOVERNMENT OF EAST TIMOR AND
TO AMEND UNTAET REGULATION No. 2001/28**

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, as reaffirmed in United Nations Security Council Resolution 1338 (2001) of 31 January 2001,

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, and UNTAET Regulation No. 2001/28 of 19 September 2001 on the Establishment of the Council of Ministers,

Endeavouring to increase the participation and responsibility of the Timorese in the definition of government policies, now strengthened in their democratic legitimacy following the election of the Constituent Assembly,

Underscoring that the formation of the Second Transitional Government of East Timor, hereinafter referred to as the Government, is an event of paramount importance inasmuch as this new Executive is composed, in its entirety, of Timorese ministers, representing another important step toward the progressive transfer of authority to the East Timorese people,

Stressing that this new structure encompasses almost all areas concerning the government action and the management of the Public Administration of a sovereign State, thus representing the most appropriate way of conducting the final phase of transition to the independence of East Timor,

For the purpose of establishing the Government structure that will administer East Timor until a sovereign country is established, and for the further purpose of amending UNTAET Regulation No. 2001/28,

Taking into account the recommendation put forward, under paragraph c) of Section 3.1 of UNTAET Regulation No. 2001/28, by the Council of Ministers of the Second Transitional Government of East Timor (hereinafter: Council of Ministers or Council),

And taking further into account the recommendation put forward by the Constituent Assembly, under Section 2.5 of UNTAET Regulation No. 2001/1 of 16 March on the Election of a Constituent Assembly to Prepare a Constitution for an Independent and Democratic East Timor,

Promulgates the following:

Section 1
Amendments to UNTAET Regulation No. 2001/28

1.1 Section 1.2 of UNTAET Regulation No. 2001/28 on the Establishment of the Council of Ministers is hereby deleted and replaced with the following:

“1.2 The Transitional Government shall be headed by a Chief Minister and shall consist of the following ministries and secretariats of state:

- a) Ministry of Foreign Affairs and Cooperation;
- b) Ministry of Justice
- c) Ministry of Economic Affairs and Development;
- d) Ministry of Finance;
- e) Ministry of Internal Administration;
- f) Ministry of Health;
- g) Ministry of Water and Public Works;
- h) Ministry of Transport and Communications;
- i) Ministry of Education, Culture, Youth and Sports;
- j) Ministry of Agriculture and Fisheries;
- k) Secretariat of State of Labour and Solidarity;
- l) Secretariat of State of Defence; and
- m) Secretariat of State of the Council of Ministers.”

1.2 Section 1.3 of UNTAET Regulation No. 2001/28 is hereby deleted and replaced with the following:

“1.3 The Transitional Government shall be composed of the following members, appointed by the Transitional Administrator after appropriate consultation with the elected representatives of the people of East Timor, and those members referred to in paragraphs a) to w) may, exceptionally, accumulate two governmental functions:

- a) the Chief Minister;
- b) the Senior Minister of Foreign Affairs and Cooperation;
- c) the Minister of Justice;
- d) the Minister of Economic Affairs and Development;
- e) the Minister of Finance;
- f) the Minister of Internal Administration;
- g) the Minister of Health;
- h) the Minister of Water and Public Works;
- i) the Minister of Transport and Communications;
- j) the Minister of Education, Culture, Youth and Sports;
- k) the Minister of Agriculture and Fisheries;

- l) the Secretary of State of Labour and Solidarity;
- m) the Secretary of State of Defence;
- n) the Secretary of State of the Council of Ministers;
- o) the Vice-Minister of Foreign Affairs for Regional Affairs
- p) the Vice-Minister of Foreign Affairs for Cooperation;
- q) the Vice-Minister of Justice;
- r) the Vice-Minister of Economic Affairs and Development;
- s) the Vice-Minister of Finance;
- t) the Vice-Minister of Internal Administration;
- u) the Vice-Minister of Health;
- v) the Vice-Minister of Education, Culture, Youth and Sports;
- w) the Secretary of State for Natural and Mineral Resources;
- x) the Inspector General;
- y) the Secretary of the Commission on Planning;
- z) the Advisor on Human Rights;
- aa) the Advisor on the Promotion of Equality; and
- bb) the Advisor on the Development of the Commission on Planning.”

1.3 Section 1.4 of UNTAET Regulation No. 2001/28 is hereby deleted and replaced with the following:

“1.4 The Council of Ministers shall be composed of the following members:

- a) the Chief Minister;
- b) the Senior Minister of Foreign Affairs and Cooperation;
- c) the Minister of Justice;
- d) the Minister of Economic Affairs and Development;
- e) the Minister of Finance;
- f) the Minister of Internal Administration;
- g) the Minister of Health;
- h) the Minister of Water and Public Works;
- i) the Minister of Transport and Communications;
- j) the Minister of Education, Culture, Youth and Sports;
- k) the Minister of Agriculture and Fisheries;
- l) the Secretary of State of Labour and Solidarity;
- m) the Secretary of State of Defence; and
- n) the Secretary of State of the Council of Ministers.”

1.4 The chapeau of Section 3.1 of UNTAET Regulation No. 2001/28 is hereby deleted and replaced with the following:

“3.1 The Council of Ministers is the decision-making body of the Government and shall have the following functions:”

1.5 Section 4.4 of UNTAET Regulation No. 2001/28 is hereby deleted and replaced with the following:

“4.4 The Chief Minister shall have the following competencies:

- a) to coordinate the activities and policies of the Government;
- b) to set the agendas for, convene and chair the meetings of the Council of Ministers;

- c) to propose to the Transitional Administrator the appointment or dismissal of Members of the Government;
- d) to brief the Transitional Administrator, on a regular basis, on the conduct of the Government policies and activities;
- e) to handle the relations between the Government and the Transitional Administrator;
- f) to handle the relations between the Government and the Constituent Assembly;
- g) to exercise the competencies which may be delegated thereto by the Transitional Administrator;
- h) to exercise the competencies which may be sub-delegated thereto by the Council of Ministers;
- i) to exercise other competencies as may be attributed thereto by law.”

1.6 The following Subsection 4.5 is added to Section 4:

“4.5 The Transitional Administrator shall be regularly consulted in the performance by the Council of its functions. The Transitional Administrator shall be advised of the issues for the decision of the Council and have the opportunity to express his views on those issues. The Transitional Administrator has the authority to propose issues for consideration by the Council and to address the Council on those issues.”

Section 2

Operating rules of the Council of Ministers

2.1 The Council of Ministers shall meet ordinarily once a week and may also meet extraordinarily as and when convened by the Chief Minister to that effect, under the terms to be defined in the internal rules and procedures of the Council.

2.2 The working languages of the Council of Ministers shall be Portuguese and Tetum.

Section 3

Committees of the Council of Ministers

3.1 The Council of Ministers may establish standing or *ad hoc* committees for the review of submissions or presentation of recommendations to the Council.

3.2 The Council of Ministers shall establish the composition and operating rules of the committees provided in the preceding paragraph, which shall meet under the auspices of the Secretariat of State of the Council of Ministers.

Section 4

Chief Minister

4.1 The Chief Minister shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28.

4.2 In the exercise of the competencies provided in Sections 4.4 (b), (d), (e), (f) and (h) of UNTAET Regulation No. 2001/28, the Chief Minister shall be assisted by the Secretary of State of the Council of Ministers.

4.3 The Chief Minister shall have an Office comprised of the following Members of the Government:

- a) Advisor on Human Rights; and
- b) Advisor on the Promotion of Equality.

4.4 The bodies or entities that report directly to the Chief Minister shall be established in a separate legal instrument.

4.5 The Chief Minister may sub-delegate to the Members of the Council of Ministers competencies relating to the bodies or entities that are under the authority of the Chief Minister.

Section 5 Ministry of Foreign Affairs and Cooperation

5.1 The Ministry of Foreign Affairs and Cooperation is, under the terms to be defined in the organic law of the Ministry, the government department responsible for designing, implementing, coordinating and assessing the foreign policy, as defined and approved by the Council of Ministers, for the areas of diplomacy and international cooperation, consular functions, and promotion and protection of the interests of the Timorese living overseas.

5.2 The Senior Minister of Foreign Affairs and Cooperation shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

5.3 In the exercise of his or her functions, the Senior Minister of Foreign Affairs and Cooperation shall be assisted by a Vice-Minister of Foreign Affairs for Regional Affairs and by a Vice-Minister of Foreign Affairs for Cooperation, one of which shall be designated by the Minister as his or her substitute.

Section 6 Ministry of Justice

6.1 The Ministry of Justice is, under the terms to be defined in the organic law of the Ministry, the government department responsible for designing, implementing, coordinating and assessing the policy for the areas of justice and law, as defined and approved by the Council of Ministers, namely in the fields of legislative reform and legal advice to the Government, penal institutions and social reintegration system, registration and notarisation services, as well as matters relating to disputes arising from the tenure or ownership of immovable property. It is also responsible for ensuring the relations of the Government with the Courts and the Prosecution Services.

6.2 The bodies or entities that comprise the Ministry of Justice shall be established in a separate legal instrument.

6.3 The Minister for Justice shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

6.4 In the exercise of his or her functions, the Minister of Justice shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise determined by the Minister.

6.5 The Minister of Justice may sub-delegate to the Vice-Minister competencies relating to the bodies or entities that are under his or her authority.

Section 7

Ministry of Economic Affairs and Development

7.1 The Ministry of Economic Affairs and Development is, under the terms to be defined in the organic law of the Ministry, the government department responsible for designing, implementing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for economic activities of production of goods and services, namely the industry, the activities in the area of provision of services, trade and tourism, as well as the policies to promote and support investment and development. It is also responsible for the definition and implementation of the Government policy in the areas of energy, natural and mineral resources and environment.

7.2 The bodies or entities that comprise the Ministry of Economic Affairs and Development shall be established in a separate legal instrument.

7.3 The Minister for Economic Affairs and Development shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

7.4 In the exercise of his or her functions, the Minister for Economic Affairs and Development shall be assisted by one Vice-Minister and by the Secretary of State for Natural and Mineral Resources. Unless otherwise determined by the Minister, his or her legal substitute shall be:

- a) The Vice-Minister; or
- b) In the absence or inability of the Vice-Minister, the Secretary of State for Natural and Mineral Resources.

7.5 The Minister for Economic Affairs and Development may sub-delegate to the Vice-Minister or to the Secretary of State for Natural and Mineral Resources competencies relating to the bodies or entities that are under his or her authority.

Section 8
Ministry of Finance

8.1 The Ministry of Finance is, under the terms to be defined in the organic law of the Ministry, the government department responsible for designing, implementing, coordinating and assessing the tax and financial policies, as defined and approved by the Council of Ministers, for the areas of budget and credit. It is also responsible for coordinating the finance of public entities and ensuring relations between the Government and the Banking and Payments Authority of East Timor.

8.2 The bodies or entities that comprise the Ministry of Finance shall be established in a separate legal instrument.

8.3 The Minister for Finance shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

8.4 In the exercise of his or her functions, the Minister for Finance shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise determined by the Minister.

8.5 The Minister for Finance may sub-delegate to the Vice-Minister competencies relating to the bodies or entities that are under his or her authority.

Section 9
Ministry of Internal Administration

9.1 The Ministry of Internal Administration is, under the terms to be defined in the organic law of the Ministry, the government department responsible for designing, implementing, coordinating and assessing the policy, as defined and approved by the Council of Ministers, for the areas of internal security, disaster management, immigration, and the civil service. It is also responsible for coordinating the activities of the regional or local governments.

9.2 The bodies or entities that comprise the Ministry of Internal Administration shall be established in a separate legal instrument.

9.3 The Minister of Internal Administration shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

9.4 The Minister of Internal Administration shall liaise with the United Nations Police Commissioner in matters relating to the exercise of his or her competencies as provided for in UNTAET Regulation No. 2001/22 of 10 August 2001 on the Establishment of the East Timor Police Service.

9.5 In the exercise of his or her functions, the Minister of Internal Administration shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise determined by the Minister.

9.6 The Minister of Internal Administration may sub-delegate to the Vice-Minister competencies relating to the bodies or entities that are under his or her authority.

Section 10
Ministry of Health

10.1 The Ministry of Health is, under the terms to be defined in the organic law of the Ministry, the government department responsible for designing, implementing, coordinating and assessing the policy for health and pharmaceutical activities, as defined and approved by the Council of Ministers.

10.2 The bodies or entities that comprise the Ministry of Health shall be established in a separate legal instrument.

10.4 The Minister of Health shall exercise the competencies that have been delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

10.5 In the exercise of his or her functions, the Minister of Health shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise determined by the Minister.

10.6 The Minister of Health may sub-delegate to the Vice-Minister competencies relating to the bodies or entities that are under his or her authority.

Section 11
Ministry of Water and Public Works

11.1 The Minister for Water and Public Works is the government department responsible for designing, executing, coordinating and assessing the policy as defined and approved by the Council of Ministers for the area of public works, civil engineering, housing, urban planning, and management of the national water resources, under the terms to be defined in its organic law.

11.2 The bodies or entities that comprise the Ministry of Water and Public Works shall be established in a separate legal instrument.

11.3 The Minister for Water and Public Works shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

Section 12
Ministry of Transport and Communications

12.1 The Ministry of Transport and Communications is the government department responsible for designing, executing, coordinating and assessing the policy as defined and approved by the Council of Ministers for the area of transport and communications, including

telecommunications and postal services, as well as for the area of meteorology services, under the terms to be defined in its organic law.

12.2 The bodies or entities that comprise the Ministry of Transport and Communications shall be established in a separate legal instrument.

12.3 The Minister for Transport and Communications shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

Section 13

Ministry of Education, Culture, Youth and Sports

13.1 The Ministry of Education, Culture, Youth and Sports is the government department responsible for designing, executing, coordinating and assessing the policy as defined and approved by the Council of Ministers for the area of education, namely in the fields of teaching and alphabetisation, culture and sports, being also incumbent upon it to implement policies specific to the youth, under the terms to be defined in its organic law.

13.2 The bodies or entities that comprise Ministry of Education, Culture, Youth and Sports shall be established in a separate legal instrument.

13.3 The Minister for Education, Culture, Youth and Sports shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

13.4 In the exercise of his or her functions, the Minister for Education, Culture, Youth and Sports shall be assisted by one Vice-Minister, who shall be his or her legal substitute, unless otherwise stated.

13.5 The Minister for Education, Culture, Youth and Sports may sub-delegate to the Vice-Minister competencies relating to bodies or entities that are accountable to him or her.

Section 14

Ministry of Agriculture and Fisheries

14.1 The Ministry of Agriculture and Fisheries is the government department responsible for designing, executing, coordinating and assessing the policy as defined and approved by the Council of Ministers for the agriculture sector, including irrigation systems, forest management and cadastral organisation, as well as for the fisheries sector, under the terms to be defined in its organic law.

14.2 The bodies or entities that comprise the Ministry of Agriculture and Fisheries shall be established in a separate legal instrument.

14.3 The Minister for Agriculture and Fisheries shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

Section 15
Secretariat of State of Labour and Solidarity

15.1 The Secretariat of State of Labour and Solidarity is the government department responsible for designing, executing, coordinating and assessing the policy as defined and approved by the Council of Ministers for the area of employment and vocational training, social services and social security, under the terms to be defined in its organic law.

15.2 The bodies or entities that comprise the Secretariat of State of Labour and Solidarity shall be established in a separate legal instrument.

15.3 The Secretary of State of Labour and Solidarity shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

Section 16
Secretariat of State of Defence

16.1 The Secretariat of State of Defence is, under the terms to be defined in its organic law, the government department responsible for designing, executing, coordinating and assessing the policy as defined and approved by the Council of Ministers for national defence, namely for the management and monitoring of the East Timor Defence Force and for the preparation and appropriateness of its military means as well as for military cooperation.

16.2 The bodies or entities that comprise the Secretariat of State of Defence shall be established in a separate legal instrument.

16.3 The Secretary of State of Defence shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No. 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers.

16.4 The Secretary of State of Defence shall liaise with the Commander of the United Nations Peace Keeping Force in matters relating to the exercise of his or her competencies.

Section 17
Secretariat of State of the Council of Ministers

17.1 The Secretariat of State of the Council of Ministers is the government's department responsible for advising and supporting the Council of Ministers and its chairperson, namely by providing the necessary technical and administrative support, coordinating the implementation of the respective decisions, representing the Council in committees set up by the Council and guaranteeing the observance of its rules and procedures, under the terms to be defined in its organic law.

17.2 The bodies or entities that comprise the Secretariat of State of the Council of Ministers shall be established in a separate legal instrument.

17.3 The Secretary of State of the Council of Ministers shall exercise the competencies as delegated thereto by the Transitional Administrator, under UNTAET Regulation No 2001/28, and those that may be sub-delegated to him or her by the Council of Ministers or by the Chief Minister.

Section 18
Sub-delegation of competencies

18.1 The sub-delegation of competencies shall only be permitted where expressly provided for.

18.2 The sub-delegation of competencies is personal, may be revoked at any time and should be reported to Chief Minister, who shall convey it to the Transitional Administrator.

18.3 In the formal act of sub-delegating competencies, the subdelegator should indicate the respective enabling act and the name of the sub-delegate, and should specify the powers being sub-delegated or the acts that the sub-delegate may perform.

18.4 The subdelegator may issue binding instructions to the sub-delegate, shall have power to arrogate, as well as power to revoke any acts performed by the sub-delegate.

18.5 The sub-delegate should mention such capacity in the use of sub-delegated competencies.

18.6 The sub-delegation of competencies relating to bodies or entities that comprise each of the ministries or secretariats of state shall be established in their respective legal instruments.

Section 19
Substitution

19.1 In the absence of a legal substitute or where the person to be substituted fails to designate a substitute, the Ministers or Secretaries of State shall, in their absence or inability to act, be substituted by whoever is designated by the Chief Minister.

19.2 Without prejudice to the preceding provision and for the purpose of participating in the meetings of the Council of Ministers, the Members of the Council should be substituted by a Member of the Government, and the substitute only counts for the quorum as one member.

19.3 The exercise of functions of a substitute shall encompass the powers of the substituted.

Section 20
Substitution of the Chief Minister

Unless otherwise stated by the Chief Minister, he or she shall, in his or her absence or inability to act, be substituted by a Member of the Government, in accordance with the order of precedence established in Section 1.4 of UNTAET Regulation No. 2001/28.

Section 21
Entry into force

21.1 Notwithstanding section 21.2, the present regulation shall enter into force on the date of signature, and shall have effect as from 14 September 2001, date of entry into force of UNTAET Regulation No. 2001/28.

21.2 Section 16 shall have effect as from 18 April 2002, date of appointment of the Secretary of State of Defence.

Sergio Vieira de Mello
Transitional Administrator