



**DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
GOVERNMENT**

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OF**

**ORGANIC OF THE FOURTH CONSTITUTIONAL GOVERNMENT**

The Fourth Constitutional Government of Timor-Leste is the result of a broad consensus by various parties regarding the need to change something in the governance, to open a new cycle in the political life of the country. Indeed, the result of the election for the National Parliament has shown that most of the population was not satisfied with the path the country was on, and consequently hopes and wishes to change the policies that regulated the development of Timor-Leste.

This change should be translated firstly in the organization of the Government.

This Government takes on a different structure in relation to the previous ones, in order to reflect that will to go through different paths, so as to meet the aspirations of the population in terms of the resolution of the problems of the country, moving on to a reform of the very management of the State, reflected in this organic structure.

Thus,

The Government decrees, under article 115 paragraph 3 of the Constitution, to be valid as law, the following:

**CHAPTER I  
GOVERNMENT STRUCTURE**

**Article 1  
Composition**

The Government consists of the Prime Minister, one Vice Prime Minister, the Ministers, Vice Ministers and Secretaries of State.

**Article 2  
Vice Prime Minister**

The Government features a Vice Prime Minister, who depends directly from the Prime Minister and who follows him or her in the hierarchy.

**Article 3  
Ministers**

1. The Government has the following ministers:
  - a) Minister of Defence and Security;
  - b) Minister of Foreign Affairs;
  - c) Minister of Finance;

- d) Minister of Justice;
  - e) Minister of Health;
  - f) Minister of Education;
  - g) Minister of State Administration and Arrangement of the Territory;
  - h) Minister of Economy and Development;
  - i) Minister of Social Solidarity;
  - j) Minister of Infrastructures;
  - k) Minister of Tourism, Trade and Industry;
  - l) Minister of Agriculture and Fisheries.
2. The Prime Minister also holds the functions of Minister of Defence and Security.

#### **Article 4**

#### **Presidency of the Council of Ministers**

1. The Prime Minister is assisted in his functions by the following members of Government, who are included in the presidency of the Council of Ministers:
  - a) Vice Prime Minister;
  - b) Secretary of State for the Council of Ministers;
  - c) Secretary of State for Youth and Sports
  - d) Secretary of State for Natural Resources;
  - e) Secretary of State for Energy Policy;
  - f) Secretary of State for Professional Training and Employment;
  - g) Secretary of State for the Promotion of Equality.
2. The Ministers are assisted in their functions by the following Vice Ministers and Secretaries of State:
  - a) The Minister of Defence and Security, by the Secretary of State for Defence and by the Secretary of State for Security;
  - b) The Minister of Foreign Affairs, by the Secretary of State for International Cooperation and by the Secretary of State for Migrations and Communities Abroad;
  - c) The Minister of Health, by the Vice Minister of Health;
  - d) The Minister of Education, by the Vice Minister of Education and by the Secretary of State for Culture;
  - e) The Minister of State Administration and Arrangement of the Territory, by the Secretary of State for the Region of Oe-cusse and by the Secretary of State for Administrative Reform;
  - f) The Minister of Economy and Development, by the Vice Minister of Economy and Development by the Secretary of State for Rural Development and Cooperatives; and by the Secretary of state for Environment.
  - g) The Minister of Social Solidarity, by the Secretary of State for Former National Liberation Fighter Affairs, by the Secretary of State for Social Assistance and Natural Disasters and by the Secretary of State for Social Security;
  - h) The Minister of Infrastructures, by the Secretary of State for Public Works, by the Secretary of State for Transports, Equipment and Communications and by the Secretary of State for Electricity, Water and Urbanization;
  - i) The Minister of Tourism, Trade and Industry, by the Secretary of State for Tourism;

- j) The Minister of Agriculture and Fisheries, by the Secretary of State for Agriculture and Arboriculture, by the Secretary of State for Fisheries and by the Secretary of State for Livestock.

### **Article 5** **Council of Ministers**

1. The Council of Ministers consists of the Prime Minister, the Vice Prime Minister and the Ministers.
2. Unless if there is a determination otherwise, the Secretaries of State directly under the Prime Minister take part in the Council of Ministers, without the right to vote.
3. The Vice Ministers and the further Secretaries of State called upon by indication of the Prime Minister may also take part in the Council of Ministers, without the right to vote, except if they are substituting the respective minister.
4. It is up to the Council of Ministers to approve, through resolution, the rules regarding its operation and functioning.
5. It is also up to the Council of Ministers to decide upon the creation of permanent or temporary committees for the analysis of legislative or political projects, or for the presentation of recommendations to the council.

## **CHAPTER II** **COMPETENCY OF THE MEMBERS OF GOVERNMENT**

### **Article 6** **Prime Minister**

The Prime Minister has his own competence and that delegated under the Constitution and the law.

It is namely up to the Prime Minister to:

- a) Lead the Government and preside over the Council of Ministers;
- b) Direct and guide the overall policy of the Government and the governing action;
- c) Represent the Government and the Council of Ministers in their relationship with the President of the Republic and the National Parliament;

While head of Government, the Prime Minister has the power to issue instructions to any member of Government and to make decisions on subjects included in the areas of responsibility of any ministry or office of secretary of State, as well as to create permanent or temporary committees or workgroups for subjects under the Government. The Prime Minister also has powers regarding the services, bodies and activities under the Presidency of the Council of Ministers that are not the responsibility of the other members of Government that are part of it.

The Prime Minister may delegate on any member of Government the competence bestowed on the previous paragraph, as well as that legally attributed to him.

In his absences or impediments the Prime Minister is replaced by the Vice Prime Minister and pby the members of Government that follow in the hierarchy, successively.

### **Article 7** **Vice Prime Minister**

The Vice Prime Minister coordinates, through delegation by the Prime Minister, other members of Government, according to specific areas of the governing activity.

The following competences are delegated on the Vice Prime Minister:

- a) Take responsibility for the area of Social Affairs, always in articulation with the Minister of Social Solidarity;
  - b) In case of natural disasters, take responsibility for interministerial coordination;
  - c) Take responsibility for the area of civil society, in coordination with the Prime Minister, concerning the policies to be established;
  - d) Take responsibility for the committees or workgroups to be created, in coordination with the Prime Minister, concerning the policies to be established;
  - e) Look after the overseeing of the activities in the Districts and Sub-districts, as well as establish contacts with the more isolated and / or needed communities, in accordance with the programs set up by the Minister of State Administration;
  - f) Monitor and be the focal point in the contacts with the National Parliament and the respective benches, in coordination with the Office of the Secretary of State for the Council of Ministers;
3. The Vice Prime Minister also has the competences that the Prime Minister or Council of Ministers bestow upon him.
  4. The Vice Prime Minister coordinates the Government, in the absences and impediments of the Prime Minister.

### **Article 8 Ministers**

1. Ministers have their own competence and the competence that is delegated unto them, under the law, by the Prime Minister or by the Council of Ministers.
2. Each minister is replaced, in his absences or impediments, by the respective Vice Minister or Secretary of State.
3. Should no substitution be possible within the Ministry, it shall be done by another Minister, designated by the Prime Minister, under proposal by the Minister to be replaced.

### **Article 9 Vice Ministers and Secretaries of State**

The Vice Ministers and Secretaries of State do not have their own competences, except in what regards the offices they hold, and carry out the competences delegated upon them by the present diploma, by the Prime Minister or by the respective minister.

## **CHAPTER III ORGANIC OF THE GOVERNMENT**

### **SECTION I PRESIDENCY OF THE COUNCIL OF MINISTERS**

#### **Article 10 Services and bodies under the Prime Minister**

1. The following bodies are directly dependent from the Prime Minister:
  - a) National State Security Service;
  - b) Inspectorate General;
2. According to its statute, the Banking and Payments Authority is also dependent from the Prime Minister.

### **Article 11**

#### **Presidency of the Council of Ministers**

The Presidency of the Council of Ministers includes, besides the Prime Minister and Vice Prime Minister, the following Secretaries of State:

- a) The Secretary of State for the Council of Ministers;
- b) The Secretary of State for Youth and Sports;
- c) The Secretary of State for Natural Resources;
- d) The Secretary of State for Energy Policy;
- e) The Secretary of State for Professional Training and Employment;
- f) The Secretary of State for the Promotion of Equality.

### **Article 12**

#### **Secretary of State for the Council of Ministers**

1. The Secretary of State for the Council of Ministers takes on the competences necessary for the work of the Office of the Secretary of State for the Council of Ministers.
2. The Office of the Secretary of State for the Council of Ministers is the central Government body for providing judicial support and consultation to the Council of Ministers and Prime Minister, being responsible for:
  - a) Coordinating the legislative procedure within the Government, ensuring the internal judicial coherence and harmony of the legislative acts approved in Council of Ministers;
  - b) Analysing and preparing the draft legal and regulatory diplomas of the Government, in coordination with the proposing ministries;
  - c) Providing technical and administrative support to the Council of Ministers;
  - d) Ensuring litigation services for the Presidency of the Council of Ministers;
  - e) Responding, in collaboration with the respective ministry, to procedures aiming to verify constitutionality and legality;
  - f) Coordinating the implementation of the decisions by the Council of Ministers;
  - g) Ensuring the publication of Government's legislation in the *Jornal da República*;
  - h) Representing the Council of Ministers and the Prime Minister, when he so decides it, in specially created committees;
  - i) Ensuring the compliance with the rules and procedures of the Council of Ministers;
  - j) Translating or accompanying the translation of legal diplomas or other documents necessary for the action of the Council of Ministers or the Prime Minister;
  - k) Acting as spokesperson for the Council of Ministers;
  - l) Being responsible for the media bodies belonging to the State.

3. The bodies and services that compose the Office of the Secretary of State for the Council of Ministers are those defined in the respective organic law.

**Article 13**  
**Secretary of State for Youth and Sports**

1. The Secretary of State for the Youth and Sports takes on the competences necessary for the work of the Office of the Secretary of State for the Youth and Sports
2. The Office of the Secretary of State for Youth and Sports is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of promotion of the wellbeing and development of youth and sports, namely:
  - a) Propose the policy and draft the regulation projects required for the areas of youth and sport;
  - b) Ensure the implementation and execution of the legal and regulatory framework for the activities connected with Youth and Sports;
  - c) Promote activities meant for young people, especially in the fields of sports, art and culture;
  - d) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
3. The bodies and services that make up the Office of the Secretary of State for Youth and Sports are those defined in the respective organic law.

**Article 14**  
**Secretary of State for Natural Resources**

1. The Office of the Secretary of State for Natural Resources is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of mineral and natural resources, including oil and gas, as well as the activities of the mining, petroleum and chemical industries, namely:
  - a) Draft and propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Set up contacts with international investors so as to attract investment in national territory, in the areas under its responsibility;
  - c) Draft legislation and regulation proposals on the matter concerning its area of action;
  - d) Monitor the implementation of international treaties in its area of responsibility;
  - e) Determine, in view of the trends of the market, the conditions for the exploration of resources;
  - f) Ensure a transparent management of the resources, in conformity with international practises;
  - g) Manage oil resources and the activities of the petroleum industry according to the legislation on oil;
  - h) Authorize and supervise production sharing contracts, authorizations and approvals;
  - i) Promote new explorations of oil resources and develop those already in existence;

- j) Maintain an information file on oil operations and resources;
- k) Measure and verify oil production and reserves;
- l) Set up a monitoring and inspection program to ensure that the operators perform according to their licences, the law and the regulations;
- m) Licence mining operators;
- n) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.

The bodies and services included in the Office of the Secretary of State for Natural Resources are those defined in the respective organic law.

### **Article 15** **Secretary of State for Energy Policy**

The Office of the Secretary of State for Energy Policy is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of energy resources, namely:

- a) Draft and propose to the Government the guidelines for energy policy;
- b) Execute and ensure the implementation of the policy approved by the Government under the previous sub-paragraph;
- c) Develop the legal and regulatory framework for the activities connected with energy resources;
- d) Promote contacts with international investors so as to attract external investment to the areas under its responsibility;
- e) Regulate, in coordination with other ministries, operators in the area of electricity production;
- f) Develop studies on the capacity of energy resources and alternative energies;
- g) Maintain an information file on energy operations and resources;
- h) Coordinate and promote the management and updating of the infrastructures in the areas of energy production;
- i) Ensure the coordination of the energy sector and stimulate complementary between its various modes, as well as competitiveness, so as to better satisfy the users;

The bodies and services included in the Office of the Secretary of State for Natural Resources are those defined in the respective organic law.

### **Article 16** **Secretary of State for Professional Training and Employment**

1. The Secretary of State for the Professional Training and Employment takes on the competences necessary for the work of the Office of the Secretary of State for Professional Training and Employment.
2. The Office of the Secretary of State for Professional Training and Employment is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of labour, professional training and employment, namely:
  - a) Propose the policy and draft the regulation projects for the areas of labour, professional training and employment;
  - b) Promote and regulate professional training;
  - c) Encourage the hiring of Timorese workers abroad;
  - d) Regulate and oversee the work performed by foreigners in Timor-Leste;

- e) Oversee the compliance with the legal dispositions regarding labour;
  - f) Promote and oversee Health, Safety and Hygiene in the work;
  - g) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
3. The bodies and services included in the Office of the Secretary of State for Professional Training and Employment are those defined in the respective organic law.

### **Article 17**

#### **Secretary of State for the Promotion of Equality**

1. The Secretary of State for the Promotion of Equality takes on the competences necessary for the work of the Office of the Secretary of State for the Promotion of Equality.
2. The Office of the Secretary of State for the Promotion of Equality is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of promotion and defence of gender equality, namely:
  - a) Support the drafting of the global and sector policy regarding the promotion of equality and the strengthening of the role of the Timorese woman in society;
  - b) Draft normative proposals, issue opinions and intervene, according to the law, in all areas connected with the promotion of equality, establishing mechanisms for the revision of Government laws, policies, budget and programs in the areas under their respective responsibility;
  - c) Coordinate with the various ministries agreed actions for promoting equality and strengthening the role of women;
  - d) Develop partnerships and provide support to women organizations involved in the promotion and defence of gender equality, ensuring consultation mechanisms with the civil society and international organizations;
  - e) Promote public opinion sensitization actions, as well as actions for the adoption of good practises, concerning gender equality, equal participation in the economic, social, political and family life, and the fight against situations of discrimination and violence against women;
  - f) Maintain the public opinion informed and sensitive in relation to the issues concerning equality and the rights of women, using the media, publications and other means considered to be appropriate;
  - g) Ensure the modalities of institutional participation and the non government organizations that contribute towards the realization of the gender equality policies, as well as bestow technical competences and certify qualities unto people and entities involved in the promotion and defence of gender equality;
  - h) Cooperate with community and international organization, as well as with foreign counterpart bodies, in order to participate in the major international guidelines regarding gender equality and to promote their national implementation.

The bodies and services included in the Office of the Secretary of State for the Promotion of Equality are those defined in the respective organic law.

## **SECTION II**

## **MINISTRIES**

### **Article 18 Ministries**

The ministers listed in the sub-paragraphs of article 3 are, respectively, the heads of the following ministries:

- a) Ministry of Defence and Security;
- b) Ministry of Foreign Affairs;
- c) Ministry of Finance;
- d) Ministry of Justice;
- e) Ministry of Health;
- f) Ministry of Education;
- g) Ministry of State Administration and Arrangement of the Territory;
- h) Ministry of Economy and Development;
- i) Ministry of Social Solidarity;
- j) Ministry of Infrastructures;
- k) Ministry of Tourism, Trade and Industry;
- l) Ministry of Agriculture and Fisheries.

### **Article 19 Ministry of Defence and Security**

1. The Office of the Secretary of State for Defence and Security is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of national defence, military cooperation, public security, criminal investigation and immigration, namely:
  - a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Celebrate, in coordination with the Ministry of Foreign Affairs, international agreements on defence and military cooperation;
  - c) Administrate and oversee the armed forces of Timor-Leste;
  - d) Promote the adequacy of the military means;
  - e) Oversee military maritime and aerial navigation;
  - f) Be responsible for the police forces of Timor-Leste;
  - g) Promote the adequacy of police means;
  - h) Be responsible for the Immigration Services;
  - i) Oversee civil maritime and aerial navigation;
  - j) Look after the safety of people and goods in case of fires, floods, landslides, earthquakes and all other risk situations;
  - k) Develop civic education programs to respond to natural disasters or others caused by human action, thereby consolidating social solidarity;
  - l) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The competences listed in subparagraphs a) to e) and l) of the previous paragraph are delegated on the Secretary of State for Defence.
3. The competences listed in subparagraphs a) and f) to l) of paragraph 1 are delegated on the Secretary of State for Security.

4. The bodies and services that make up the Ministry of Defence and Security are those defined in the respective organic law.

**Article 20**  
**Ministry of Foreign Affairs**

1. The Ministry of Foreign Affairs is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of international diplomacy and cooperation, consular functions, and promotion and defence of the interests of the Timorese living abroad.
2. It is up to the Ministry of Foreign Affairs to coordinate, in collaboration with the Ministry of Finance, the relations between Timor-Leste and the donors.
3. The bodies and services that make up the Ministry of Foreign Affairs are those defined in its organic law.

**Article 21**  
**Ministry of Finance**

1. The Ministry of Finance is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of budget and finance annual planning and monitoring, namely:
  - a) Propose the macroeconomic, monetary and exchange policies, in collaboration with the central bank;
  - b) Propose the policy and draft the regulation projects for tax and non-tax revenues, budget framework, procurement, public accounting, public finance, auditing and control of the State treasury, issuing and management of the public debt;
  - c) Administer the petroleum fund of Timor-Leste;
  - d) Work in cooperation with the Ministry of Foreign Affairs, so as to coordinate the relationship of Timor-Leste with the donors;
  - e) Manage the external public debt, the State participations and the external assistance, coordinating and defining the financial and tax aspects;
  - f) Manage the patrimony of the State, without harm to the attributions of the Ministry of Justice in terms of real estate patrimony;
  - g) Draft and public official statistics;
  - h) Assume the responsibility for the implementation of the budget allocated from the State General Budget;
  - i) Promote the necessary regulation and carry out financial control over the expenses of the State General Budget that are attributed to the remaining ministries, in view of pursuing a policy of greater financial autonomy for the services;
  - j) Look after the good management of the funding from the State General Budget by the State indirect administration bodies and by the local governance bodies, through audits and monitoring;
  - k) Administrate and promote international technical assistance in terms of technical advisory for the State bodies, except for the areas of human resource training;

- l) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The bodies and services that make up the Ministry of Finance are those defined in its organic law.

## **Article 22**

### **Ministry of Justice**

1. The Ministry of Justice is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of justice and human rights, namely:
  - a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Regulate and manage the prison system, the execution of the penalties and the social reinsertion services;
  - c) Ensure mechanisms of representation and legal aid for the most underprivileged citizens, through the Public Defence;
  - d) Create and ensure the proper mechanisms for ensuring citizenship rights and promoting the divulgation of applicable laws;
  - e) Organize the cadastre of rural and urban buildings and the registry of immovable assets;
  - f) Manage and oversee the registry and notary service system;
  - g) Administrate and manage the intangible assets of the State;
  - h) Promote and guide the judicial training for the law staff and other civil servants;
  - i) Pronounce, under request from other ministries, on the compliance of any draft legislative diploma with the guiding principles of the democratic rule of law, the values of Justice and Law, and with the rights, liberties and guarantees;
  - j) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The Office of the Advisor on Human Rights is placed within the Ministry of Justice.
3. The bodies and services that make up the Ministry of Justice are those defined in its organic law.

## **Article 23**

### **Ministry of Health**

1. The Ministry of Health is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of health and pharmaceutical activities, namely:
  - a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Ensure access to health care for all citizens;
  - c) Coordinate activities concerning the control of epidemics;
  - d) Provide sanitation control over products with influence on human health;
  - e) Promote the training of health staff;
  - f) Contribute towards the success of humanitarian assistance, promotion of peace, security and social and economic development, through coordination

and collaboration mechanisms with other Government bodies responsible for connected areas.

2. The bodies and services that make up the Ministry of Health are those defined in its organic law.
3. The Minister of Health may delegate on the Vice Minister the competences regarding the bodies and services under him.

#### **Article 24**

##### **Ministry of Education**

1. The Ministry of Education is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of education and culture, as well as science and technology, namely:
  - a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Ensure education for children, literacy and teaching;
  - c) Regulate the mechanisms for equalization of academic degrees and propose the curricula for the various degrees of education;
  - d) Develop and implement a competitive and transparent policy for granting scholarships;
  - e) Protect the rights concerning artistic and literary creation;
  - f) Promote the knowledge of science and the implementation of new technologies in Timor-Leste;
  - g) Draft the policy and the regulations for the conservation, protection and preservation of the historic and cultural legacy;
  - h) Draft policies for the definition and development of culture;
  - i) Establish policies of cooperation and cultural exchange with CPLP countries, cultural organizations and neighbouring countries;
  - j) Set up cooperation policies with UNESCO;
  - k) Promote the creation of a National Library and a National Museum;
  - l) Develop programs for the introduction of culture in education curricula;
  - m) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The bodies and services that make up the Ministry of Education are those defined in its organic law.
3. The Minister of Education and Culture may delegate on the Vice Minister and the Secretary of State the competences concerning the bodies and services under him.

#### **Article 25**

##### **Ministry of State Administration and Arrangement of the Territory**

1. The Ministry of State Administration and Arrangement of the Territory is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of public administration, local and regional power, and arrangement of the territory, namely:
  - a) Propose the policy and draft the necessary regulation projects in terms of status of the civil servants, social security of the staff and Public

- Administration agents, direct and indirect administration and respective administrative procedure;
- b) Propose and promote measures aiming for the debureaucratization and improvement of the efficiency of the Public Administration;
  - c) Promote the training and improvement of the human resources and civil service, aiming for the professionalization of the Public Administration, the improvement of efficiency and the rationalization of the administrative activity;
  - d) Promote the correct publication and ensure the proper preservation of the official and historic documents;
  - e) Ensure the proper preservation of the official and historic documents;
  - f) Ensure the proper support to the electoral process, according to the law and the regulations of CNE;
  - g) Coordinate and oversee the activity of the services and bodies of the regional and local administrations, as well as promote and lead the process of administrative decentralization;
  - h) Define the procedures for the drafting and approval of territorial management instruments, ensuring at the same time the administrative reform mechanisms for a proper coordination, collaboration and concertation between public entities, besides the forms of participation by the citizens;
  - i) Define the material and documental content of the strategic and sector policy instruments, as well as of the territorial planning instruments;
  - j) Carry out other overseeing acts regarding the measures taken for the physical development and the arrangement of the territory;
  - k) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The bodies and services that make up the Ministry of State Administration and Arrangement of the Territory are those defined in its organic law.
  3. The Minister of State Administration and Arrangement of the Territory may delegate on the Secretaries of State the competences regarding the bodies and services under him.

## **Article 26**

### **Ministry of Economy and Development**

1. The Ministry of Economy and Development is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of development of microfinances and cooperatives, as well as environment, namely:
  - a) Propose policies and draft the regulation projects required for the areas under its responsibility;
  - b) Draft studies in view of the preparation of the five-year national development plan;
  - c) Make recommendations to the other members of Government towards the implementation of the five-year national development plan;
  - d) Propose policies and legislation related with the promotion of private investment and partnerships between the State and private investors;
  - e) Promote the development of cooperative and microfinance system, namely in the rural areas and in the agriculture sector;

- f) Divulge the importance of the cooperative economic sector and of micro and small companies, and promote training in the creation, organization, management and accounting of cooperatives and small companies;
  - g) Organize and manage a cadastre of cooperatives;
  - h) Draft the environmental policy and monitor the execution and evaluation of the achieved results;
  - i) Promote, accompany and support strategies for integrating environment in sector policies;
  - j) Carry out the strategic environmental assessment of plans and programs, and coordinate the processes for evaluating the environmental impact of national projects, including public consultation procedures;
  - k) Ensure the adoption of pollution prevention and control measures by the facilities covered by the environmental licensing office;
  - l) Manage National Parks and protected areas;
  - m) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The Ministry of Economy and Development will now be responsible for:
    - a) Institute for Supporting Business Development;
    - b) Institute for the Promotion of External Investments and Exports;
    - c) Microfinance Institute of Timor-Leste.
  3. The bodies and services that make up the Ministry of Economy and Development are those defined in its organic law.
  4. The Minister of Development may delegate on the Vice Minister or Secretary of State the competences regarding the bodies and services under him.

**Article 27**  
**Ministry of Social Solidarity**

1. The Ministry of Social Solidarity is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of social assistance, social security and community reinsertion, namely:
  - a) Design and implement social security systems for the workers and the remaining population;
  - b) Develop programs of social assistance and humanitarian aid for the most underprivileged and in the event of natural calamities and disasters;
  - c) Promote programs of demobilization, retirement and pensions for the former National Liberation fighters and veterans;
  - d) Monitor the community insertion by veterans and former fighters;
  - e) Monitor and protect the community reinsertion of other vulnerable groups;
  - f) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The bodies and services that make up the Ministry of Social Solidarity are those defined in its organic law.
3. The Minister of Social Solidarity may delegate on the Secretaries of State the competences regarding the bodies and services under him.

**Article 28**  
**Ministry of Infrastructures**

1. The Ministry of Infrastructures is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of civil works, urbanization, water and power distribution, civil land, sea and air transportation, auxiliary communications services, including postal, telegraphic and telephonic services, as well as the other telecommunications, use of the radioelectric space, meteorological services and computers, besides the management of State equipment, heavy machinery and vehicles, namely:
  - a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Ensure the implementation and execution of the legal and regulation framework for the activities related with the ministry;
  - c) Coordinate and promote the management, maintenance and updating of airport, aerial navigation, road and port infrastructures.
  - d) Propose and execute the policy guidelines of the Ministry in terms of urbanism, infrastructures, road network, buildings and public works;
  - e) Create and implement the legal and regulation framework for the civil works activities, including their licensing and the investigation of the construction materials;
  - f) Study and execute works for the protection, maintenance and repairing of bridges, roads, and river and sea banks, namely for controlling floods;
  - g) Promote the study and execution of new infrastructure networks connected with the distribution of water and power, as well as with basic sanitation, and oversee their operation and exploration, without harm to the attributions allocated within these domains to other bodies;
  - h) Promote the carrying out of construction, maintenance and repairing works concerning public buildings, monuments and special facilities, in the cases under its responsibility;
  - i) Promote the adoption of techniques and regulation rules for the materials used in the civil works, as well as develop laboratory tests to ensure the security of the constructions;
  - j) Licence and oversee all urban constructions, namely private, municipal or belonging to autonomous bodies, according to the applicable legislation;
  - k) Maintain and develop a national information and surveillance system on the condition of works and on the materials for civil works, including the effect of floods on the infrastructures;
  - l) Prepare and develop, in cooperation with other public services, the implementation of the road network plan for the national territory and the national urbanization plan;
  - m) Develop and regulate the communications activity, as well as optimize the means of communication;
  - n) Ensure the coordination of the sector of transportation and stimulate complementarity between its various modes, as well as competitiveness, towards the provision of a better service to its users;
  - o) Promote the management of the radioelectric spectrum, as well as the adoption of technical and regulation rules concerning the public use of the communications services;
  - p) Ensure the provision of public telecommunications services and the use of the radioelectric space by public companies, or the granting of the provision of public service to private entities;

- q) Manage the vehicle fleet of the State, as well as their use and that of heavy machinery allocated to the Ministry;
  - r) Maintain and develop the national meteorological and seismological information and surveillance systems, including the construction and maintenance of the respective infrastructures;
  - s) Manage the information technology system of the Government and ensure the provision of the respective services, as well as implement computer systems throughout the national territory;
  - t) Promote and coordinate scientific investigation and technologic development within the domains of civil land, air and sea transportation;
  - u) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The following will be under the responsibility and superintendence of the Minister of Infrastructures:
- a) Equipment Management Institute;
  - b) Port Administration of Timor-Leste;
  - c) Civil Aviation Authority of Timor-Leste;
  - d) Aerial Navigation and Airports of Timor-Leste, Public Company;
  - e) Communications Regulation Authority.
3. The bodies and services that make up the Ministry of Infrastructures are those defined in its organic law.
4. The Minister of Infrastructures may delegate on the Secretaries of State the competences regarding the bodies and services under him.

## **Article 29**

### **Ministry of Tourism, Trade and Industry**

1. The Ministry of Tourism, Trade and Industry is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of tourism and economic, commercial and industrial activities, namely:
- a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Design, execute and evaluate the trade policy;
  - c) Contribute towards the improvement of the commercial economic activity, including in what regards internal and international competitiveness;
  - d) Analyse commercial activity and propose measures and public policies for its development;
  - e) Support the activities of economic agents of the commercial sector, promoting the necessary diligences for valorising solutions that enable a simpler and quicker bureaucratic procedure;
  - f) Provide opinions on requests of previous information for the setting up of commercial companies;
  - g) Appreciate and licence projects concerning facilities and the operation of commercial and industrial undertakings;
  - h) Inspect and oversee the commercial activities and undertakings, according to the law;
  - i) Design, execute and evaluate the industrial sector policies;
  - j) Inspect and oversee the industrial activities and undertakings according to the applicable legislation;

- k) Maintain and manage an information and documentation centre on companies and activities of the industrial sector;
  - l) Propose the revocation of the licence for carrying out industrial activities, when the situation justifies it;
  - m) Propose the qualification and classification of business undertakings, according to the applicable legislation;
  - n) Organize and manage the registry of industrial property;
  - o) Promote the internal and international rules of normalization, metrology and quality control, as well as measuring standards for units and physical magnitude;
  - p) Design, execute and evaluate the national tourism policy;
  - q) Draft the annual plan of promotional activities for the development of tourism, with the respective cost estimate;
  - r) Implement and execute the legislation regarding the installation, licensing and verification of the operation conditions of tourism equipment;
  - s) Set up collaboration and coordination mechanisms with other Government services and bodies responsible for connected areas, namely the services of arrangement and physical development of the territory, in view of the promotion of strategic areas for national tourism development;
  - t) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The bodies and services that make up the Ministry of Tourism, Trade and Industry are those defined in its organic law.
  3. The Minister of Tourism, Trade and Industry may delegate on the Secretaries of State the competences regarding the bodies and services under him.

### **Article 30**

#### **Ministry of Agriculture and Fisheries**

1. The Ministry of Agriculture and Fisheries is the central Government body responsible for the design, execution, coordination and assessment of the policy defined and approved by the Council of Ministers for the areas of agriculture, forestry, fisheries and environment, namely:
  - a) Propose the policy and draft the regulation projects required for the areas under its responsibility;
  - b) Ensure the implementation and continuity of rural development programs, in coordination with the Ministry of Economy and Development;
  - c) Create technical assistance centres for farmers;
  - d) Manage technical and agricultural education;
  - e) Promote agrarian investigation;
  - f) Control the use of land for agricultural and livestock purposes;
  - g) Promote and verify animal health;
  - h) Promote the industries of agriculture, livestock and fisheries;
  - i) Oversee food production;
  - j) Ensure Quarantine Services;
  - k) Promote rural development, in coordination with the Ministry of Economy and Development, implementing a cooperative system for the production and trading of agricultural produce;
  - l) Carry out feasibility studies for the installation of irrigation systems;
  - m) Manage forest resources and watersheds;

- n) Manage the water meant for agricultural purposes;
  - o) Control and oversee the fisheries and aquaculture sector;
  - p) Set up collaboration and coordination mechanisms with other Government bodies responsible for connected areas.
2. The bodies and services that make up the Ministry of Agriculture and Fisheries are those defined in its organic law.
  3. The Minister of Agriculture and Fisheries may delegate on the Secretaries of State the competences regarding the bodies and services under him.

### **SECTION III OTHER ENTITIES AND INSTITUTIONS**

#### **Article 31 Equalization with Secretaries of State**

The following are considered equal to Secretaries of State, for remuneration purposes:

- a) The Chief of Defence Staff;
- b) The Commander General of the PNTL;
- c) The head of the National State Security Service.

#### **Article 32 Indirect administration**

1. Under article 115 paragraph 3 of the Constitution of the Republic, the Government shall create, through decree-law, public legal persons, with administrative, financial and patrimonial autonomy, under the charge of the relevant member of Government for the respective area, with the goal of meeting the collective needs, when it is concluded that the modality of indirect administration is the most adequate to the pursuing of the public interest and the satisfaction of the said needs.
2. The public legal persons mentioned in the previous paragraph may take the form of public institutes, public institutions, public foundations and public companies, in conformity with the respective organic diploma.
3. The regime for the various modalities of public legal persons, including the scope and the limits of their administrative and financial autonomy, as defined in a specific diploma.

### **CHAPTER IV FINAL AND TRANSITORY FEATURES**

#### **Article 33 Delegation of competences**

1. The delegation of competences shall be done from higher ranked officers to lower ranked officers, according to the law.
2. Competences determined by the Constitution may not be delegated.
3. In the further cases, the delegation of competences is allowed as long as it is not expressly forbidden by law, and must be stated in a written document that indicates its scope and duration.

4. The delegating body maintains the responsibility for the acts carried out in the exercise of the delegated powers by the party that received the delegation.

**Article 34**  
**Delegable competences**

The following may delegate competences:

- a) The Prime Minister, on the Vice Prime Minister, the Ministers and the Secretaries of State directly dependent from him;
- b) The Ministers, on the Ministers and Secretaries of State featured in the respective ministry.

**Article 35**  
**Transition of services**

1. All services, bodies and entities that have their ministerial framework changed maintain the same judicial nature, changing only, as the case may dictate, the hierarchic superior or the body that holds the powers of superintendence and custody.
2. The alterations in the organic structure resulting from the present diploma are accompanied by the consequent movement of staff, without depending from any formality and without losing any acquired rights.
3. The rights and obligations of ministries, services, bodies or entities changed by the present law are automatically transferred to the new ministries, services or bodies that replace them, without requiring any formality.

**Article 36**  
**Extinction of services**

1. The Timor Sea Office is terminated, with all documental records being transferred to the Office of the Secretary of State for Natural Resources;
2. The Office of the Advisor for Human Rights is terminated, with all documental records being transferred to the Ministry of Justice;
3. The Office of the Advisor for the Promotion of Equality is terminated, with all documental records being transferred to the Office of the Secretary of State for the Promotion of Equality.

**Article 37**  
**Organic laws**

The Ministries and Offices of Secretaries of State dependent from the Prime Minister shall, within 90 days from the entry into force of the present diploma, draft or change their respective organic laws accordingly.

**Article 38**  
**Revocation**

Decree-Law no. 4/2007, of June 20, is hereby revoked.

**Article 39**

### **Entry into force**

The present diploma enters into force on the day immediately after that of its publication.

### **Article 40 Effectiveness**

The present diploma is effective from 8 August 2007, with all acts meanwhile practised and the regularity of which depend of the respective conformity with this diploma being considered as ratified.

Approved in Council of Ministers on 17 August 2007

The Prime Minister,

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(Kay Rala Xanana Gusmão)

Promulgated on                      de 2007

Let it be published.

The President of the Republic,

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(José Ramos-Horta)