

**REGULATION NO. 2000/3
ON THE ESTABLISHMENT OF A PUBLIC SERVICE COMMISSION**

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

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

Taking into account the United Nations Transitional
Administration in East Timor (UNTAET) Regulation 1999/1 of 27
November 1999, on the Authority of the Transitional Administration in
East Timor,

After consultation in the National Consultative Council,

For the purpose of facilitating the establishment of a system of
public services administration in East Timor,

Promulgates the following:

Section 1

The Public Service Commission

1. A Public Service Commission (hereinafter: the Commission) is hereby established. The Commission is charged with the oversight of the proper functioning of the East Timor Administration. It shall be independent in the exercise of its functions. The Transitional Administrator may consult the Commission on matters concerning the civil service of East Timor.
2. The Commission:
 - a. Formulates personnel policies and guidelines, including those related to recruitment, appointments and promotions; salaries, benefits, pensions, and other terms of employment; disciplinary procedures and sanctions; and the rights and obligations of civil servants and other employees of public agencies, to be incorporated in a future statute governing civil service employment;

b. Pending the establishment of judicial procedures to hear labour and administrative cases, the Commission will arbitrate in such disputes;

c. Once the East Timor civil service is fully operational, it will supervise the implementation of agreed procedures, administrative instructions and guidelines; promote an ethical environment in the Administration; and monitor the overall performance of departments and public agencies.

1. Based on the recommendations of departmental recruitment panels and the Central Personnel Recruitment Office, it shall be the primary function of the Commission to recommend qualified officials for the public service of East Timor, for appointment by the Transitional Administrator. The recruitment panels will be composed of representatives of the department concerned and the Central Personnel Recruitment Office, selected in accordance with guidelines to be drawn up by the Commission.

2. With respect to the appointment of the most senior (Level Five) officials, except as separately provided for in regulations governing appointments to the judiciary, for each post the Commission shall prepare a short list of qualified candidates, for appointment by the Transitional Administrator.

Section 2

Composition and Terms of Office

1. The Commission shall be composed of seven (7) members, to be appointed by the Transitional Administrator. At least two (2) of them shall be international experts. The others shall be named by the Administrator after consultations with representatives of the East Timorese people, through the National Consultative Council established under UNTAET Regulation No. 1999/2. The Chairperson shall be designated by the Transitional Administrator.

2. Within one year of its establishment, the composition of the Commission shall be adjusted to include a representative of public service employees.

3. All members of the Commission are to be independent and impartial in exercising their functions. Its members shall at all times be likewise guided by the goal of establishing an independent civil service.

4. The initial term of the members of the Commission shall be six (6) months from the date of appointment. This term shall be renewable.

Membership of the Commission will be terminated on assumption of high political office or employment in the public service of East Timor.

Section 3

Working Groups of the Commission

In order to improve its ability to respond to issues requiring in-depth study and expert advice, after consultation with the Transitional Administrator, the Commission may establish ad hoc working groups on different sectors of the public service (hereinafter: working groups), other than in those areas covered by the Transitional Judicial Service Commission. Members of the working groups will comprise both East Timorese and international experts in the relevant areas.

Section 4

Accountability

1. The Commission shall submit, on a quarterly basis, a comprehensive report of its activities to the Transitional Administrator. This report shall be presented to the National Consultative Council in both verbal and written form. It will also publish an annual report, reviewing the performance of the public services during the previous calendar year and making recommendations for possible changes.
2. The Commission will meet periodically with the Transitional Administrator, to exchange views on topical issues of importance to the good functioning of the public services.

Section 5

Sessions of the Commission

1. The Commission shall, wherever possible, reach decisions by consensus.
2. Meetings of the Commission shall require a quorum of five (5) members including the Chairperson or, in the Chairperson's absence, a nominated Vice-Chairperson.
3. The Chairperson shall convene sessions of the Commission as and when necessary, but not less than once a month. Extraordinary sessions to deal with specific issues of importance or urgency shall be convened at the request of the Transitional Administrator.

Section 6

Technical Support and Remuneration

1. The Transitional Administrator shall provide the necessary funding and technical support for the Commission.
2. The members of the Commission shall receive remuneration in the form of an honorarium, at a level to be determined by the Transitional Administrator.

Section 7

Oath or Solemn Declaration

- 7.1 Upon appointment, the Transitional Administrator shall receive the following oath from the members of the Commission.

"I swear or solemnly declare that in undertaking the functions entrusted to me as a member of the Public Services Commission, I will perform my duties independently and impartially. I will act, at all times, in accordance with the dignity required of this office.

In undertaking my functions, I will act, subject to law, 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, birth or all other status."

- 7.2 Upon completion of the above oath, each member of the Commission shall sign a written declaration of the oath, which shall be retained by the office of the Transitional Administrator.

Section 8

Removal of members of the Commission from Office

- 8.1 If, at any point in time, the Transitional Administrator becomes aware of evidence that any of the members of the Commission has failed to meet the above principles or has violated the oath, the Transitional Administrator may remove such member from office and appoint a replacement, in accordance with the present regulation.
- 8.2 In case of the incapacitation, resignation or death of a member, the Transitional Administrator shall appoint a new member to the Commission, in accordance with the present regulation.

Section 9

Approval of Draft Code of Ethics and Guidelines

The Commission shall submit, within three (3) months of the appointment of its initial members, a draft Code of Ethics, Recruitment Guidelines and Guidelines on Disciplinary Action for officers in the public service of East Timor to the Transitional Administrator for approval.

Section 10

Entry into Force

The present regulation shall enter into force on 20 January 2000.

Sergio Vieira de Mello
Transitional Administrator