



REGULATION NO. 2000/24

ON THE ESTABLISHMENT OF A NATIONAL COUNCIL

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 (hereinafter: Security Council Resolution 1272 (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, (hereinafter: UNTAET Regulation No. 1999/1) and UNTAET Regulation No. 1999/2, of 2 December 1999 on the Establishment of the National Consultative Council (hereinafter: UNTAET Regulation No. 1999/2),

For the purpose of establishing a legislative mechanism that further enhances the participation of the East Timorese people in the decision-making process during the period of the transitional administration in East Timor,

Promulgates the following:

Section 1
National Council

1.1 A National Council composed of representatives of relevant organisations of the East Timorese civil society (hereinafter: the Council) is hereby established to act as a forum for all legislative matters related to the exercise of the legislative authority of the Transitional Administrator, as provided for in UNTAET Regulation No.1999/1.

1.2 The Council shall replace the National Consultative Council (hereinafter: the NCC) established pursuant to UNTAET Regulation No. 1999/2.

Section 2
Powers

2.1 Subject to the provisions of Section 2.3 of the present regulation, the Council shall have the power:

- (a) to initiate, to modify and to recommend draft regulations;
- (b) to amend regulations; and
- (c) at the request of a majority of the Council, to require the appearance of Cabinet Officers appointed pursuant to UNTAET Regulation No. 2000/23 to answer questions regarding their respective functions.

2.2 Any legislation initiated by the Council shall contain a statement of its financial implications for the East Timorese budget.

2.3 The Transitional Administrator shall approve a draft regulation or amendment endorsed by the Council upon the recommendation of the Cabinet where, in his sole discretion, the draft regulation is consistent with the fulfilment of his mandate under Security Council Resolution 1272 (1999).

Section 3
Composition

3.1 The Council shall consist of thirty-three (33) East Timorese members.

3.2 The thirty-three members shall include:

- (a) Seven (7) representatives of the National Council of East Timorese Resistance (hereinafter: CNRT);
- (b) Three (3) representatives of political parties outside the CNRT;
- (c) A representative from the Roman Catholic Church in East Timor;
- (d) A representative from the Protestant church denominations in East Timor;
- (e) A representative from the Muslim community in East Timor;
- (f) A representative from the women's organisations in East Timor;
- (g) A representative from the students/youth's organisations in East Timor;
- (h) A representative from the Timorese NGO forum;

- (i) A representative from the professional associations in East Timor;
- (j) A representative from the farming community in East Timor;
- (k) A representative from the business community in East Timor;
- (l) A representative from the labour organisations in East Timor; and
- (m) A representative from each of the thirteen (13) Districts of East Timor.

3.3 The Transitional Administrator shall appoint members of the Council after consultation with the groups under Section 3.2 of the present regulation. During this consultation process, the groups under Section 3.2 shall be encouraged to nominate women for appointment as members.

3.4 Current members of the NCC may be appointed as members of the Council or as Cabinet Officers.

3.5 A Cabinet Officer appointed pursuant to UNTAET Regulation No. 2000/23 shall not serve on the Council.

Section 4 Procedures

4.1 Subject to the applicable provisions under Security Council Resolution 1272 (1999), UNTAET Regulation No.1999/1 and the present regulation, the Council shall control, regulate and dispose of its own affairs. The Council shall also adopt its own rules of procedure.

4.2 The Council shall make all decisions by a simple majority vote.

4.3 At its first session the Council shall elect a speaker and a deputy speaker from among its members. The election of a speaker or a deputy speaker shall each require a majority of two-thirds of members voting. Where a speaker or deputy speaker are not elected by a two-thirds majority in the first ballot, the two candidates with the highest number of votes shall enter a second ballot in which election shall be by simple majority.

4.4 The Council shall be chaired by the speaker, or in his absence by the deputy speaker. In the absence of either speaker or deputy speaker, the speaker may designate a member of the Council as chair.

4.5 The Council shall establish a Secretariat to provide support and assistance to the Council.

Section 5
Sessions of the Council

5.1 The Transitional Administrator shall convene the first session of the Council. Subsequent sessions of the Council shall be convened by the speaker or in his absence the deputy speaker. In the absence of either the speaker or the deputy speaker, a member of the Council may convene the session as designated by the speaker.

5.2 The speaker shall prepare the agenda, after consultation with members of the Council, as and when necessary.

5.3 The Council shall meet not less than once a month and shall deliberate in plenary session, after establishing the necessary quorum as specified in the rules of procedure, provided for in Section 4 of the present regulation.

5.4 Subject to Section 5.5, all sessions of the Council shall be held in public and shall be open to the media.

5.5 The Council may hold closed sessions in considering matters relating to:

- (a) national security; or
- (b) personnel matters.

5.6 Within seven days of receipt of a petition signed by a majority of Council members requesting a special session of the Council, the speaker shall convene such a session.

5.7 Upon a request from the Transitional Administrator, the Speaker shall convene a special session of the Council to address matters of urgency.

Section 6
Committee Structure

6.1 The Council may create committees to examine issues arising from the exercise of powers defined in Section 2.1 of the present regulation. The rules of procedure shall provide for the functioning of the committee.

6.2 In the creation of the committees, the Council shall take into consideration the organisation of the Cabinet and the availability of Secretariat support.

6.3 The committees shall consider issues referred to them by the Council and make recommendations on these issues for consideration by the Council.

Section 7
Consultation

- 7.1 The Council shall establish mechanisms for consultation with the East Timorese people.
- 7.2 The details of such a mechanism shall be regulated in the rules of procedure, provided for under Section 4 of the present regulation.
- 7.3 As a rule, the Council shall hold at least one public hearing on the contents of the proposed regulation.

Section 8
Oath or solemn declaration

- 8.1 Upon appointment, each member of the Council 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 member of the National Council,

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

I will reject the use of violence as a political means."

- 8.2 After having completed the oath (or the solemn declaration) orally, each member of the Council shall submit a signed copy of the above declaration to the Transitional Administrator.

Section 9
Removal and replacement

- 9.1 If, at any time, the Transitional Administrator concludes on the basis of substantial evidence that any member of the Council has violated the principles enshrined in the oath, the Transitional Administrator may after consulting the other members of the

Council remove that member from the Council. The Transitional Administrator shall appoint a replacement, in accordance with the present regulation.

9.2 In the event of the resignation, removal or death of a member, the Transitional Administrator shall appoint a new member to the Council, in accordance with the present regulation.

Section 10
Authority of the Transitional Administration

The final authority of the Transitional Administrator in exercising his responsibilities vested in UNTAET under Security Council Resolution 1272 (1999), as specified by UNTAET Regulation No. 1999/1, shall in no way be prejudiced by the provisions of this regulation.

Section 11
Support

Council members shall be remunerated in accordance with provisions in a directive to be determined by the Transitional Administrator.

Section 12
Transitional Arrangements

The NCC shall continue its functions as provided under UNTAET Regulation No. 1999/2 until the first session of the Council is convened.

Section 13
Entry into force

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

Sérgio Vieira de Mello
Transitional Administrator