

DRAFT LAW No. .../2009

LAW ON NATIONAL SECURITY

EXPLANATORY STATEMENT

In the sovereign Democratic Republic of Timor-Leste, the State has the right and the duty to defend its essential elements; its territory, sovereignty and political power. Article 6 of the Constitution of the Democratic Republic of Timor-Leste (CDRTL) states that one of the fundamental objectives of the State is to “a) defend and guarantee the sovereignty of the country”. The existing situation and the transnational threats that can be identified in the current strategic environment – which are asymmetrical, scattered, multidirectional and difficult to assess – require an integrated approach to the defence of the essential elements of the State.

This integrated National Security concept, whereby National Defence, Internal Security and Civil Protection activities are undertaken in a coordinated manner to address threats with different origins and the aforementioned characteristics, closely resembles the emerging concept of “Homeland Defence” in countries with different but comparable legal systems. In Timor-Leste, the growing integration of defence and security functions is reflected in the structure of the IV Constitutional Government which established a Ministry of Defence and Security. In practical terms, such integration was also reflected in the establishment of the “Joint F-FDTL and PNTL Command” for “Operation *Halibur*” by Government Resolution no. 3/2008 of 17 February. This integrated approach to national security is duly buttressed in the constitutional provisions included in article 6(a) of the CDRTL on the objectives of the State with regard to the defence of national sovereignty.

The development of this concept has obvious implications in the definition and implementation of the main guidelines of the State’s policy in this area. The National Security policy to be defined will have to adopt an integrated approach. Such an approach will have to underpin any activities undertaken, and its main guidelines will have to be pursued in the specific policies concerning National Defence, Internal Security and Civil Protection. As the Constitution is silent with regard to the permanent objectives that should support the

definition of a policy in this area, is advisable to start by drafting relevant legislation. Because of its importance, the National Security policy requires that national security matters be discussed and agreed upon in the National Parliament. It also has to guarantee that the President of the Republic is involved, although it is incumbent upon the Government to design and implement such a policy, pursuant to article 103 of the Constitution of the Democratic Republic of Timor-Leste (CDRTL). Such political coordination is without prejudice to the existence of autonomous, albeit integrated, activities in the realms of National Defence, Internal Security and Civil Protection, whose autonomous political objectives are more limited in scope and more tangible.

At a strategic and operational level, the conceptual and political definition of a National Security policy has more limited consequences. A full integration of the State's functions in matters of National Defence, Internal Security and Civil Protection is not possible by force of Timor-Leste's Constitution which provides for autonomous Defence Forces (article 146) and Security Forces and Services (article 147). Thus, this law only regulates their joint deployment and operation. Such circumstances will arise whenever the joint deployment and operation are shown to be the only way to fulfil the objectives of the State, namely the protection of its essential elements. In this way, the subsidiary and complementary nature of their intervention shall be guaranteed. The subsidiary deployment of the Defence and Security Forces and Services and of Civil Protection Agents is strictly regulated and overseen by an organic-functional system (Integrated System of National Security) where all the entities that wield any powers in matters of National Security are represented. These include all the sovereign organs that are competent in this area and that participate in decisions and have oversight functions, namely the National Parliament and, especially the President of the Republic as the Supreme Commander of the Armed Forces. Moreover, the legality of the aforementioned forces and services' operation and the political and legal control over the use of force are ensured by the definition of rules of engagement. The autonomous role of the various forces and services in view of their different nature and goals, as well as their organisation and establishment so as to better protect citizens' fundamental rights while fulfilling the State's role in defending its essential elements are beyond the scope of this law.

DRAFT LAW No. /2009
OF OF
LAW ON NATIONAL SECURITY

The Government, pursuant to article 97(1)(c) and 115(2)(a) of the Constitution of the Republic, submits to the National Parliament the following draft law:

CHAPTER I
GENERAL PROVISIONS

Article 1
Object

This law regulates the coordinated activities undertaken by the State in the pursuit of the defence of its essential elements:

- a) By defining a policy on National Security matters that ensures an integrated development of all activities related to National Defence, Internal Security and Civil Protection;
- b) Within the framework of the Integrated System of National Security, which provides for the joint operational deployment of the different forces and services pursuant to the terms and conditions set out in this law.

SECTION I
NATIONAL SECURITY

Article 2
National Security

The State defends and ensures the independence and sovereignty of political power, the unity and integrity of the national territory and the freedom and safety of communities pursuant to the Constitution, this law and other legislation that is in force, through an integrated and coordinated array of State-led activities that make up National Defence, Internal Security and Civil Protection.

Article 3
Characteristics of National Security

1. National security shall have a national, integrated, global and permanent nature, it is inter-ministerial and shall involve all the resources that are available to the State in addressing any threat or risk to its essential constitutive elements.

2. To fulfil the objectives of National Security, the State shall promote the integrated development and implementation of National Defence, Internal Security and Civil Protection activities by means of an Integrated System of National Security, in particular by promoting specific capabilities of civilian-military cooperation.

3. The aforementioned capabilities will allow for a more effective resolution of crises, namely in cases of public calamity, natural catastrophes or disasters and serious disturbances of law and order. Furthermore, they will contribute to promote the prevention and preparedness of the entities that make up the Integrated System of National Security and may also support the social and economic development of communities.

4. National security shall reflect the social and cultural characteristics of the country, and particularly the country's traditional organisation, so as to better fulfil its objectives. It shall be oriented towards the communities and shall consider in particular the District Councils for Security and the *chefes de suco*.

Article 4 **General principles**

1. National Security activities shall guarantee national sovereignty, namely with regard to an independent design of the country's National Security Policy and definition of its strategic objectives.
2. National Security shall be at the service of the people, shall be subject to the Constitution and to the laws and shall be guided by the democratically elected sovereign organs of the State.
3. The State's activities in the realm of national security shall be aimed at preventing and deterring threats. The use of force shall always be subsidiary to the peaceful resolution of any dispute or conflict, preference being always given to the employment of non-lethal means.
4. In defending its sovereignty, the State of Timor-Leste respects human rights and the rights of peoples, the fundamental rights, liberties and guarantees of national and foreign citizens.
5. National security shall abide by the principles and norms of international law which are in force in Timor-Leste, namely with regard to the multilateral collective security system and the regional and bilateral commitments undertaken by the State of Timor-Leste.
6. The implementation of a National Security policy within the framework of the system of alliances for collective defence will focus on the employment of the Defence Forces, Security Forces and Services and Civil Protection agents in crisis management missions, missions in support of peace processes and humanitarian missions, namely within the framework of bilateral, regional and multilateral security and cooperation organisations
7. While undertaking its National Security activities, the State of Timor-Leste shall abide by the principle of proportionality, causing the least damage and casualties possible in the fulfilment of its goals.
8. The joint operational deployment of the entities that make up the Integrated System of National Security shall take place pursuant to the provisions of this law and will always be

subsidiary and complementary to the intervention by the entities with the primary competence in matters of National Defence, Internal Security and Civil Protection.

Section II
DEFENCE FORCES, SECURITY FORCES AND SERVICES AND CIVIL
PROTECTION AGENTS

Article 5
Object

1. National Security is guaranteed by the integrated activities of the Defence Forces, by the Security Forces and Services and by the Civil Protection Agents.
2. Without prejudice to the primary mission that is bestowed upon them in the Constitution and that is developed further and regulated in specific legislation, the Defence Forces, Security Forces and Services and Civil Protection agents shall act in an integrated manner pursuant to this law, the National Security policy and within the framework of the Integrated System of National Defence.
3. The joint operational deployment of the Defence Forces and the Security Forces and Services, as well as of the Civil Protection agents, shall always remain subsidiary to their individual interventions, and shall be promoted and decided upon within the framework of the Integrated System of National Security and only under the circumstances provided for in this law

Article 6
Principles

1. The State of Timor-Leste has the exclusive right to use force in matters pertaining to national security. Armed organisations and military or military-like organisations shall be prohibited, except in those cases provided for by the Constitution, this law and other legislation in force in Timor-Leste.
2. The Defence Forces, the Security Forces and Services and the Civil Protection agents will ensure that the objectives of National Security are attained by fulfilling the missions bestowed upon them by the Constitution and by law and may be deployed jointly, in a subsidiary manner, pursuant to the provisions included in this law.
3. The National Defence Force, Security Forces and Services and the agents of Civil Protection shall be subject to the Constitution and the legislations in force, shall abide by the decisions of the sovereign organs that are competent in matters pertaining to national security pursuant to the Constitution, this law and other legislation in force in Timor-Leste.
4. The establishment and structuring of the Defence Forces, the Security Forces and Services and the Civil Protection Agents shall assign particular importance to their joint deployment and involvement in multinational forces in peacekeeping and humanitarian operations.
5. All the entities that make up the Integrated System of National Security shall become agents of Civil Protection if the circumstances so require, within the scope of their specific functions and powers and without prejudice to their independence, autonomy and specificity of their respective missions.

Article 7
Use of Force

1. The use of force and the threat to resort to the use of force by the Defence and Security Forces shall be strictly in accordance with the Constitution and the law, in particular with the norms and standards of international law in force in Timor-Leste.
2. The use of force, the threat to resort to the use of force or any activities related to its use shall be subject to political and legal oversight, by the definition of rules of engagement.
3. The rules of engagement applicable to forces and individuals alike, at all levels of the command structure, shall define the circumstances, conditions, degrees and modalities under which force may be applied.
4. The rules of engagement shall respect the rights, liberties and guarantees of citizens, human rights and the rights of peoples, the principle of legality, namely the norms of international law that are in force.
5. The rules of engagement shall define the cases when force may be used by all the entities that make up the Integrated System of National Security other than in legitimate defence, both by individuals and to protect the forces themselves.
6. The rules of engagement for FALINTIL-FDTL shall be proposed by the Chief of the Defence Force (*Chefe do Estado-Maior General das Forças Armadas*, CEMGFA) and for the National Police of Timor-Leste by the Commander-General of PNTL, being approved, in both cases, by the Council of Ministers and ratified by the President of the Republic whenever they involve the deployment of F-FDTL.

Article 8
FALINTIL-FDTL

1. The FALINTIL-FDTL have the responsibility of providing military defence to the Democratic Republic of Timor-Leste, pursuant to the Constitution and the laws in force in the country and without prejudice to any international law agreements that may be in force in Timor-Leste
2. Besides their primary mission, the F-FDTL may be employed, additionally, in other missions in support of civilian authorities, within the framework of the Integrated System of National Security and pursuant to this law, as well as in support to the State's foreign policy, in peacekeeping and humanitarian operations.
3. For the purposes stated in the paragraph above, F-FDTL shall develop civilian-military cooperation capabilities, with a special focus on the traditional social-cultural structure of the country.
4. The composition, organisation, structure and duties of F-FDTL shall be set out in specific legislation.

Article 9
National Police of Timor-Leste

1. The National Police of Timor-Leste shall defend the democratic legality and guarantee the internal security of citizens, pursuant to Constitution, with a special focus in its community policing work to the traditional social-cultural structure of the country.

2. Besides its primary mission, PNTL may be employed, additionally, in other specific missions that are deemed of public interest as well as collaborate with the defence forces and military authorities as well as with the civil protection agents in a complementary manner, pursuant to this law.
3. For the purposes stated in the paragraph above, PNTL will favour a community-based approach in its policing strategy. With regard to its organisation, discipline, training, status of its staff, the security forces will follow closely the military nature.
4. The composition, organisation, structure and duties of PNTL shall be set out in specific legislation.

Article 10 Civil Protection

1. Civil protection is the set of activities undertaken by the State, citizens and all public and private entities that are aimed at preventing collective risks associated to serious accidents or catastrophes, mitigating their effects and assisting and protecting people and assets when such circumstances occur.
2. Civil protection activities have a national, ongoing, multi-disciplinary and multi-sectoral nature and shall be defined in specific legislation, laying out the objectives, principles, priorities in the use of available resources and when and how a warning should be issued or a contingency or calamity situation declared. Such procedures shall be part of civil emergency and protection planning.
3. Without prejudice to the capabilities of the various entities that make up the Integrated System of National Security, as well as their independence, autonomy and the specificity of their respective missions, it shall be incumbent upon the Authority for Civil Protection to coordinate the civil protection agents at national, district and *suco* level.
4. The Authority for Civil Protection shall be tasked with the planning, coordination and implementation of the civil protection policy, namely the prevention and response to serious accidents and catastrophes, assisting communities and supervising the work of the fire brigade.
5. It shall be incumbent upon the Authority for Civil Protection to survey, estimate and assess collective risks, organise the national warning system, to license and monitor compliance with legislation on civil protection.

CHAPTER II NATIONAL SECURITY POLICY

Article 11 National Security Policy

1. The State of Timor-Leste shall adopt a coherent set of principles, objectives, guidelines and measures for the integrated defence of its essential elements.
2. The National Security policy shall ensure, in particular, the coordination of National Defence, Internal Security and Civil Protection activities, without prejudice to their sectoral development and implementation .

3. The need for National Security, the duties that ensue from such need and the general guidelines of the National Security Policy shall be shared with the wider public and updated on a regular basis.

Article 12
Characteristics

The National Security Policy:

- a) shall be applied nationwide, covering the whole national territory and involving all national citizens as well as the traditional social structures;
- b) shall be an integrated policy, and it shall be incumbent upon all organs, collective bodies and departments of the State to create the necessary conditions for its implementation;
- c) shall have a global nature, involving its military component as well as non-military components;
- d) shall have a permanent nature and be implemented at all times and everywhere.

Article 13
Permanent Objectives of the National Security Policy

1. The National Security Policy is designed by the Government, pursuant to the Constitution and bearing in mind the Permanent Objectives enshrined in this law.
2. The National Security Policy is aimed at ensuring the integrated protection of the State's essential elements in the development and implementation of its different activities and pursuant to the following permanent objectives:
 - a) To protect the unity, wholeness and sovereignty of the national territory by securing, in particular, the sovereignty over and the protection and development of the country's natural resources, the safety, control and management of the land and maritime borders within the framework of the Integrated System of National Defence;
 - b) To guarantee the freedom and safety of communities and the enjoyment of their fundamental rights and liberties, law and order, the protections of their properties and assets and the national assets, in particular:
 - i. To promote human security and conditions that are conducive to the social, economic and cultural development of communities by mobilizing all the political and administrative resources at the disposal of the State ;
 - ii. To protect national identity and cohesion, to promote the values of National Security in education and at the various levels of the education system, and to promote traditional organisation as a factor of national identity that will bolster National Security.
 - iii. To prevent and minimise the effects of natural catastrophes, to protect the environment, to preserve public health and to promote civil protection and emergency planning;

- iv. To prevent crime, especially violent and organised crime, and to ensure that private security activities are pursued in a legal manner and in accordance with specific legislation;
- c) To defend the freedom to act of the sovereign organs, the normal operation of democratic institutions and the necessary conditions for the State to fulfil its fundamental goals, namely:
 - i. To contribute to regional and international peace, security and stability by participating in multilateral initiatives in a regional and international context, and ensuring the maintenance or re-establishment of peace under conditions that correspond to the national interests;
 - ii. To protect the strategic area that is of national interest, namely by ensuring sovereignty over territorial waters, the exclusive economic zone and adjacent zones, the seabed and airspace;
 - iii. To support the State's foreign policy, namely by taking part in bilateral, regional or multilateral humanitarian or peacekeeping missions;
 - iv. To promote coordination and collaboration between the Defence and Security forces, namely by providing integrated training to their personnel and by strengthening civilian-military cooperation, and to ensure the effectiveness and coordination of the national intelligence service .

Article 14 **Values of National Security**

The values to be promoted under National Security include loyalty to the people, a sense of hierarchy, physical and moral courage, respect for the principle of democratic rule of law, self-determination and unfailing sovereignty by the people over their wealth and natural resources and non-interference in the internal affairs of other States.

Article 15 **Priorities of National Security**

With a view to fulfilling the permanent objectives of National Security, the National Security Policy shall comprise the following priorities:

- a) to identify existing potential as well as vulnerabilities and to maximise the former and minimise the latter with a view to reducing threats and risks;
- b) to ensure civilian-military cooperation and its continuous and integrated strengthening;
- c) to identify in a coherent and integrated manner the complementary aspects of security and defence;
- d) to ensure the complementary nature of security and development as a factor of stability and of enhanced national identity;
- e) to design the forces in accordance with the capabilities that are required to fulfil the missions assigned to them;
- f) to ensure the adequate planning of emergency services and civil protection;

- g) to contribute to the capacity-building of the Defence and Security Forces in a manner that is sustainable and harmonious;
- h) to use available resources in an efficient and integrated way.

Article 16
Definition and Guidance

1. The National Security Policy shall be designed bearing in mind the specific powers of each sovereign organ, pursuant to the Constitution and this law.
2. The Government shall coordinate the National Security Policy with the National Parliament and the President of the Republic, pursuant to the previous articles.
3. It shall be incumbent upon the Government to guide the National Security Policy, in coordination with and taking into consideration the powers bestowed on other sovereign organs in matters of National Security

CHAPTER III
INTEGRATED SYSTEM OF NATIONAL SECURITY

SECTION I
GENERAL PROVISIONS

Article 17
Principles

1. The activities of the entities that make up the Integrated System of National Security are multi-sectoral, multi-disciplinary and inter-ministerial. All organs and bodies of the State take part in such activities in the pursuit of the Permanent Objectives of National Security and with the view to making the most effective use of resources.
2. The joint operational deployment of the forces shall always be subsidiary to the individual intervention of the Defence Forces, the Security and Civil Protection Forces and Services, to which the Constitution and the legislation in force bestow specific and primary powers on certain matters.
3. The joint operational deployment shall only take place under the circumstances provided in this law and shall occur within the framework of the Integrated System of National Security, be subject to the general principles of National Security and shall be aimed at fulfilling the permanent objectives of National Security.

Article 18
Integrated System of National Security

1. The response to threats and to risks to National Security requires the integration of the following components and units, without prejudice to their autonomy and identity for carrying out their respective missions:
 - a) FALINTIL-FDTL
 - b) PNTL;

- c) National Intelligence System;
 - d) Authority for Civil Protection, that is part of the Fire Brigade
 - e) Maritime Authority System;
 - f) Civil Aviation Authority;
 - g) Prison Service;
 - h) Immigration Service;
 - i) Civilian Security Services (*Segurança Civil*);
 - j) Customs;
 - k) District Councils for Security.
2. The Integrated System of National Security shall pay particular attention to the complementary nature of its different forces and to the strengthening of their collaboration in operational matters, training and logistics, with a view to optimising the use of resources and ensuring greater efficiency in the fulfilment of their missions.
 3. In the design and structuring of the Defence forces, the Security forces and services and the Civil Protection agents for their involvement in the Integrated System of National Security, there shall be a special focus on flexibility, mobility and inter-operability of the available resources.
 4. The Integrated System of National Security shall promote civilian-military cooperation, namely by paying special attention to a close association with traditional structures and organisation.

Article 19

Integrated Plan of National Security

1. The Integrated National Security Plan is aimed at fulfilling the goals of the Integrated System of National Security and of its various components, namely of defence, internal security and civil protection.
2. The Integrated National Security Plan will aim at:
 - a) the strengthening of the collaboration between F-FDTL and PNTL as well as the other entities that make up the Integrated System of National Defence;
 - b) the development of close relations between the aforementioned institutions;
 - c) the development of strategies aimed at promoting the integration of the work plans of the various Government departments in the realm of National Security;
 - d) a clear definition of the complementary nature of the various forces, with a view to ensuring that they will fulfil their respective missions effectively, particularly in a crisis requiring the integrated deployment of staff and resources.
3. The Inter-Ministerial Committee on Security (*Comissão Interministerial de Segurança*) shall draft the Integrated Plan to be submitted to the Government for approval, but it may delegate such task to the Integrated Centre for Crisis Management (*Centro Integrado de Gestão de Crises*).
4. It shall be incumbent upon the Ministry of Defence and Security to oversee the implementation of the aforementioned plan.

SECTION II SOVEREIGN ORGANS

Article 20 General principle

The sovereign organs shall make use of their respective powers in matters of National Security, namely with regard to their mutual monitoring, pursuant to the Constitution, the legislation that is in force and this law .

Article 21 President of the Republic

1. In matters of National Security, the President of the Republic shall have the powers provided in the Constitution, this law and other relevant legislation, in particular with regard to:
 - a) monitoring the activities of the entities that make up the Integrated System of National Security ;
 - b) taking part in decision-making processes with regard to their joint deployment and control, namely in a crisis.
2. The powers of the President of the Republic in matters of National Security provided in this law are without prejudice to the President's own powers as Supreme Commander of the Armed Forces, to be defined in specific legislation.

Article 22 National Parliament

1. In matters of National Security, the National Parliament shall have the political and law-making powers provided in the Constitution, this law and other relevant legislation that is in force
2. With regard to the political oversight of the Government's activities, it is incumbent upon the National Parliament :
 - a) To take part in decision-making processes and in the monitoring of decisions taken with regard to the operational deployment of the entities that make up the Integrated System of National Security, especially in the event of a crisis and pursuant to this law,
 - b) To take part in the debate and approval of the Government's policy on National Security.

Article 23 Government

1. In matters of National Security, the Government has the powers provided in the Constitution, this law and other legislation that is in force. In particular, it is incumbent upon the Government:

- a) To define and guide the country's policy in matters of National Security;
 - b) To guide Public Administration, namely with regard to the fulfilment of the powers bestowed upon the entities and organs that make up the Integrated System of National Defence.
2. It is incumbent upon the Prime Minister, in particular and amongst other responsibilities, to chair the Inter-Ministerial Committee on Security (*Comissão Interministerial de Segurança*) which comprises the competent members of the Government.

Article 24 **Courts**

The Courts shall have the power of legal oversight with regard to the activities of the various entities that make up and coordinate the Integrated System of National Security, namely through the initiatives of the Public Prosecution Service.

Article 25 **Oversight and monitoring**

1. The activities of the Inter-Ministerial Committee on Security and of the Integrated Centre for Crisis Management shall be subject to political oversight:
 - a) By the National Parliament, in particular by the Specialized Standing Parliamentary Committee on Foreign Affairs, National Defence and Security or, whenever that is not possible, by the Parliament's Standing Committee (*Comissão Permanente*);
 - b) By the President of the Republic, without prejudice to its powers as Supreme Commander of the Armed Forces.
2. In exercising its oversight and monitoring powers, the National Parliament may issue opinions and recommendations regarding the annual reports to be submitted by the Inter-Ministerial Committee on Security and the Integrated Centre for Crisis Management.
3. The submission to and discussion in the National Parliament of the aforementioned reports shall take place, if necessary, *in camera* and those present shall be bound by the duty of secrecy pursuant to the criminal law.

SECTION III **ORGANISATION AND OPERATION OF THE INTEGRATED SYSTEM OF** **NATIONAL SECURITY**

Article 26 **Organisation of the Integrated System of National Security**

1. The activities of the entities that make up the Integrated System of National Security, pursuant to this law and without prejudice to their autonomy, identity and specific missions, shall be defined by the Inter-Ministerial Committee on Security and the Integrated Centre for Crisis Management.

2. The organisation and operation of the coordination and control bodies of the Integrated System of National Security shall be defined in specific legislation..

Article 27
Inter-Ministerial Committee on Security

1. The Inter-Ministerial Committee on Security is the Prime-Minister's advisory body for the political coordination of the Integrated System of National Defence.
2. It is incumbent upon the Inter-Ministerial Committee on Security:
 - a) To define the cooperation arrangements between all the entities that make up the Integrated System of National Security;
 - b) To streamline the organisation and operational arrangements of the Defence Forces, the Security Forces and Services and the Civil Protection agents with a view to making them more effective, without prejudice to their specific missions;
 - c) To make proposals for operational standards and procedures to be adopted by the Defence Forces, the Security Forces and Services and the Civil Protection agents in cases of serious risks or threats to National Security;
 - d) To define the international coordination and cooperation arrangements to be adopted by the forces and services that make up the Integrated System of National Security;
 - e) To define in a systematic way the procedures aimed at improving coordination and the integrated training initiatives;
 - f) To submit to the Government an Integrated Plan for National Security.

Article 28
Members

1. The Inter-Ministerial Committee on Security shall be chaired by the Prime Minister. In its restricted formation, the committee shall include:
 - a) The Deputy Prime Ministers and the State ministers;
 - b) The members of the Government responsible for Defence, Security, Justice, Foreign Affairs, Finance, State Administration and Territorial Planning and Solidarity;
 - c) The Director-General of the National Intelligence Service (*Serviço Nacional de Inteligência*, SNI);
 - d) The Chief of the Defence Force (CEMGFA, F-FDTL);
 - e) The Commander-General of PNTL;
 - f) The Director of the Immigration Service;
 - g) The Director of the Integrated Centre for Crisis Management.
2. In its extended formation, the Inter-Ministerial Committee on Security shall also include the following:
 - a) The individual presiding over the Maritime Authority;

- b) The individual presiding over the Civil Aviation Authority;
 - c) The individual presiding over the Protection and Rescue System;
 - d) The National Director of the Prison Services;
 - e) The National Director of Customs.
3. The Inter-Ministerial Committee on Security is convened and chaired by the Prime Minister who shall decide on its formation and who may invite other entities to take part in the committee's proceedings with observer status, including entities that have special responsibilities in the prevention of and fight against crime or in the collection and processing of relevant information for internal security, namely the Prosecutor-General.
 4. The rules of procedure of the Inter-Ministerial Committee on Security shall be approved by the Council of Ministers.

Article 29

Integrated Centre for Crisis Management

1. The Integrated Centre for Crisis Management (*Centro Integrado de Gestão de Crises*, CIGC) is the specialist advisory body for the technical and operational coordination of the activities of the entities that make up the Integrated System of National Security, particularly as regards the development of conflict prevention strategies. The CIGC is directly under the Prime Minister, who may delegate some of its powers to the centre.
2. The Centre shall have a Director, to be appointed by the Prime Minister, and will comprise the entities referred to in sub-paragraphs c), d), e), f) and g) of paragraphs 1 and 2 of the previous article.
3. The Director of CIGC shall be considered as having a rank equivalent to that of Secretary of State for remuneration purposes;
4. The Integrated Centre for Crisis will function:
 - a) In plenary sessions attended by all the entities referred to in the paragraph above; and
 - b) Through its Standing Secretariat, comprising representatives of the entities mentioned in sub-paragraphs c); d); e); f) and g) of paragraph 1 of the previous article, who shall support CIGC's Director on a daily basis.
5. The CIGC shall have ordinary quarterly meetings but extraordinary meetings can be convened at any time at the request of any of the members of its restricted formation.
6. The Centre shall have a situation room to monitor any serious threats to internal security.
7. The rules of procedure of CIGC shall be approved by a Government decree.

Article 30

Powers

1. In matters of National Security, it shall be incumbent upon CIGC to regularly and permanently assist its Director in discharging his/her responsibilities
2. In matters of National Security, the CIGC shall study and submit proposals on the following:

- a) Cooperation between all the entities that make up the Integrated System of National Security;
 - b) Improving the organisation and procedures of the Defence Forces, the Security Forces and Services and the Civil Protection agents with a view to a more effective delivery of services, without prejudice to their specific missions;
 - c) Coordinating the integrated use of staff, facilities and other resources to address situations representing a serious risk or threat;
 - d) Proposing rules of procedure for the Defence Forces, the Security Forces and Services and the Civil Protection agents, to be used in situations representing a serious risk or threat to National Security;
 - e) International coordination and cooperation arrangements for the forces and services that make up the Integrated System of National Security.
3. It shall be incumbent upon the Director of CIGC to ensure the coordination of the measures, plans or operations amongst the entities that make up the Integrated System of National Defence, as well as the coordination of their activities with those of other public or private services or entities, as well as cooperation with similar foreign bodies.

SECTION IV POWERS IN MATTERS OF INTERNAL SECURITY

Article 31 Powers of the Inter-Ministerial Committee on Security

The Inter-Ministerial Committee on Security shall assess and issue opinions on:

- a) The general guidelines of the Internal Security Policy;
- b) The general principles of the organisation, operation and discipline of the Security Forces and Services and the definition of their respective missions and powers;
- c) Draft legislation that includes generic provisions regarding the powers and duties of the security and defence forces;
- d) The general guidelines for the training, specialised training, updating of skills and knowledge and personal improvement of the staff of the security forces and services;
- e) Any matters relating to intelligence;
- f) The monitoring of compliance with the law on meetings and demonstrations, particularly with regard to the restrictions that are applicable whenever public safety, law and order or the security of the State are at stake.

Article 32 Powers of the Integrated Centre for Crisis Management

It is incumbent upon the CIGC, without prejudice to other powers in matters of National Security and Internal Security, to study and to submit proposals on:

- a) Public policies on internal security;
- b) Cooperation arrangements between the security forces and services and other

bodies that contribute to internal security;

- c) Inter-ministerial coordination arrangements to ensure internal security and to address natural disasters or public calamities;
- d) Improving the security forces and services organisation and procedures;
- e) Conditions of employment of staff, facilities and other resources, rules of procedure for the security forces and services to adopt in the event of serious threats to internal security;
- f) International coordination and cooperation arrangements of the security forces and services;
- g) National strategies and action plans to prevent crime.

Article 33

Coordination powers of the CIGC Director

1. Without prejudice to other powers, it shall be incumbent upon the Director of CIGC to coordinate measures, plans or operations amongst the various security forces and services, to coordinate their activities with those of other public or private services or entities and to establish cooperation arrangements with similar foreign bodies.
2. As part of the Director's coordinating powers, it shall be incumbent upon him/her:
 - a) To coordinate the activities of the security forces and services;
 - b) To strengthen the collaboration between all the security forces and services and ensuring that they have access to the necessary information.
3. It is also incumbent upon the Director:
 - a) To ensure adequate coordination between the security forces and services and the prison services to that the prevention and fight against crime can become more effective;
 - b) To ensure adequate coordination between the security forces and services and the Armed Forces in their response to any threats to Internal Security;
 - c) To ensure adequate coordination between the security forces and services and the National Directorate for Disaster Management to address natural disasters and public calamities;
 - d) To ensure adequate coordination between the security forces and services and the medical emergency and environmental protection services for the design and implementation of security and crisis management plans;
 - e) To coordinate and liaise between the national institutions and District Councils for Security;
 - f) To liaise with private structures and organisations, including companies providing private security services.

SECTION V

OPERATIONAL DEPLOYMENT

Article 34

Operational Deployment

1. The joint operational deployment of the entities that make up the Integrated System of National Security may only be decided once it has been determined that the intervention of the entities that make up the Integrated System of National Security and bear primary responsibility in the matter is insufficient to achieve the Permanent Objectives of National Security, pursuant to the Constitution, this law and other legislation that is in force in Timor-Leste.
2. The joint operational deployment may be decided in crisis situations such as a public calamity, natural catastrophes or disasters and serious disturbances of law and order that do not warrant the declaration of a state of constitutional exception.

Article 35 Joint Operational Deployment

1. Whenever the intervention of any of the entities that make up the Integrated System of National Defence is deemed insufficient, the Government, through the Inter-Ministerial Committee on Security may decide on one of the modes of joint operational deployment provided in this law, without prejudice to the powers of the President of the Republic as Supreme Commander of the F-FDTL.
2. The deployment of the F-FDTL shall be decided jointly by the Government and the President of the Republic, as Supreme Commander of the Armed Forces, in accordance with the provisions laid down in specific legislation on National Defence.
3. For the operational deployment of the entities that make up the Integrated System of National Security, the Inter-Ministerial Committee on Security shall seek the views of the National Parliament when it is foreseen that force will be used, and shall coordinate with the President of the Republic the joint deployment of the entities that make up the Integrated System of National Security.

Article 36 Modes of joint operational deployment

1. The joint operational deployment of the entities that make up the Integrated System of National Defence, pursuant to this law, shall be in accordance with the following modes of operation.
2. The joint activities of the Defence Forces, the Security Forces and Services and the Civil Protection agents resulting from their cooperation and coordinated deployment shall be without prejudice to their autonomy, identity and their specific missions and they shall act in a subsidiary role to the entity bearing the primary responsibility in specific circumstances, pursuant to this law.
3. Task forces may be established to provide operational coordination and command of the entities that make up the Integrated System of National Security in the pursuit of National Security-related missions, whenever the seriousness of the situation warrants such operational deployment.

4. Joint Operational Commands may be established for the command and control of the joint operational deployment whenever the extreme seriousness of the situation that led to the operational deployment warrants the establishment of such a structure.
5. The aforementioned operational deployment has to be duly justified and involves the definition of levels of strategic and operational command, degrees of command and control, command structure and levels and rules of engagement.

Article 37

Guidance and operational command

1. Whenever there is a joint operational deployment of the entities that make up the Integrated System of National Security, but it is not foreseen that force will be used pursuant to this law, responsibility for the planning and allocation of missions or tasks and the monitoring of their implementation shall lie with the entity that has the primary role in the deployment. The coordination of such activities may be delegated by the Prime Minister to the Director of CIGC.
2. Whenever there is a joint operational deployment of the entities that make up the Integrated System of National Security, and it is foreseeable that the use of force will be required, pursuant to this law, the coordination powers of CIGC and the Prime Minister's powers of political oversight are without prejudice to the command and control structures of the forces deployed nor, in the case of the deployment of F-FDTL, without prejudice of the powers of the President of the Republic as Supreme Commander of the Armed Forces.

Article 38

Operation of the Integrated Centre for Crisis Management

1. In a crisis resulting from a serious disturbance of law and order or public calamity, the CIGC is placed directly under the Prime Minister and may function as a situation room.
2. The CIGC may also function as a situation room in circumstances that are considered exceptional from a constitutional viewpoint, as provided by the legislation on state of siege and of emergency .

CHAPTER IV
FINAL AND TRANSITIONAL PROVISIONS

Article 39
National Intelligence System

1. The National Intelligence System of the DRTL supports the activities of the State pertaining to National Security through the National Intelligence Service, which collects, processes, and disseminates the information that is necessary to safeguard national independence and sovereignty and to ensure that National Security prevails, both internally and externally.
2. An intelligence policy shall be defined that will aim at collecting, managing and coordinating strategic information, as well as establishing the kind of intelligence to be collected and processed by every service and their functional relationships.
3. The National Intelligence System of the DRTL shall be able to assess the situation of National Security across the board, both internally and externally, and shall ensure an effective coordination and complementarity between the different services with a view to act as a multiplying factor of the existing forces.
4. A functional link at the strategic level shall be established between the National Intelligence System and the Military Intelligence Service and the Police Intelligence Service.
5. When exercising their respective powers with regard to the Intelligence System, namely as regards their operation and effectiveness, all systems and services shall strictly observe the Constitution and the law, and respect the fundamental rights, liberties and guarantees of citizens, the decisions of the political bodies and administrative hierarchies.
6. The above provisions shall be regulated in a specific law that shall guarantee, in particular, the need for and mechanisms to ensure internal and external control and oversight.

Article 40
Security

1. For reasons of paramount public interest, the security of staff, materials, facilities, information and IT systems shall be guaranteed.
2. For the purposes stated in the paragraph above, levels of accreditation may be established to accede to specific facilities and to classified materials for civilian and military purposes. Such levels of accreditation shall be defined by a national authority that will be empowered to do so, as well as to supervise compliance.
3. Its organisation and operation shall be set out in specific legislation.

Article 41
Duty of secrecy

1. The issue of State secrets shall be regulated in specific legislation that will address, in particular, the need of a regulatory framework for the operation of the authority with powers in these matters.

2. The disclosure of State secrets and the violation of the duty to keep secrets shall be punished pursuant to the law.

Article 42
Regulatory provisions

1. The legislation to be adopted on matters pertaining to National Security shall promote the coordination of the various legal frameworks
2. The definition of the State's activities in matters pertaining to National Defence shall be regulated by the Law on National Defence; in matters pertaining to Internal Security, by the Law on Internal Security; and in matters pertaining to Civil Protection, by the Law on Civil Protection.
3. The Maritime Authority System shall be regulated by special legislation.
4. Private security activities shall be regulated by special legislation.
5. The composition, organisation, structure and roles of F-FDTL, PNTL, Authority for Civil Protection, as well as of the other entities that make up the Integrated System of National Security shall be defined in specific legislation .

Article 43
Repeal

All regulatory provisions that contradict this law shall be repealed.

Article 44
Entry into force

This law shall enter into force on the day following its publication.

Approved by the Council of Ministers on 10 June 2009.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Defence and Security,

Kay Rala Xanana Gusmão