

DEMOCRATIC REPUBLIC OF EAST TIMOR**PROJECT TO PROPOSE A LAW**

N° .../2008

National Security Law**(Ante-Projecto)****Preamble**

The international recognition of the Democratic Republic of East Timor in 2002 gave them the sovereign competences of protecting its essential elements: territory, population and political power. Article 6 of the CRDTL states as a aim of the State to “a) Defend and ensure the sovereignty of the nation”. The current phenomenological reality and the identified threats point for the need to think about defense of the essential elements of the State in an integrated way. The international reality of the socio-economic globalization supported by the technological development which facilitates communication and traveling at the global level endangers the traditional principal of territoriality and nationality of the threats to the States. Besides, new threats to the State arise from the resources currently at the disposal of transnational criminal networks intending to maximize their profits (the narco-States or diamonds trafficking and other natural resources) or to place them at the service of political-ideological aims, as well as of economic domination interests (the renewed economic protectionism supported by the corruption and nepotism in the State structures). Several social actors threaten State sovereignty besides the traditional threat, military and foreigner. The threats of transnational and military nature, such as the maritime piracy, the organized crime with connections to the international terrorism, the narco-trafficking, the contraband and illegal fishing, are also faced by the Timorese State and ask for an integrated intervention from the armed and security forces.

In East Timor the growing integration of Defense and Security functions had a special importance in the Organic structure of the IV Constitutional Government that created the Ministry of Defense and Security, as well as in its practice, namely by the creation of the “Joint Command between the F-FDTL and the PNTL” for the “Halibur

Operation” by Government Resolution 3/2008 of February 17th. This integrated perspective of National Security has been constitutionally allowed for by Article 6 a) of the CRDTL regarding the aims of the state in matters of national sovereignty.

The search and definition of models aimed at ensuring the “security of the populations” and facing different threats with calculated risks, find greater hardships at level of National Security. Models that allow the adaptation to the nationally available resources and that have the accord of the populations, while not diverting the armed forces from their main mission of protecting the territory and their ethic. The analysis of concepts such as national security, its threats and risks, models of organization and respective coordination and authority levels must be analyzed. When the new models of common security are redefined, the concept of crisis and its management models should be considered; as should the search for a Strategic Concept adjusted to the reality allowing the armed and security forces to be used permanently in missions of public service, in order to obtain greater support from hostile public opinions. Therefore, it is urgent to define the National Security in an integrated manner that covers the national defense (military and non military branches), the internal security, civil protection, as well as foreigner policy, in order to protect and ensure the sovereignty of the country contributing to the protection of the economic, political and cultural interests.

The reform and development of the security sector depends upon several factors. Defense and security have a direct and indirect influence over the socio-economic development of the country, whether it is by reducing its pace and magnitude or restricting the growth strategies or mechanisms for the national economy and its interactions with the international economy. Likewise the economic development is an important factor for the decision on the type and intensity of the defense effort and the level of security. Therefore although the security-development duality gives raise to difficult choices that are the cause of known controversies common to all countries, there is a consensus that the two are complementary, given that in order for one to have a long lasting and stable character the other is also necessary. The economic development is related to the growth of the wealth in a society with more or less international connection, requiring security, without which at any moment economic growth and national identity may be hindered. Likewise for security to have a minimal sustainable capacity it requires the existence of a development process, in which the use of resources is also a stability factor reinforces national identity.

The harmonious, balanced and sustained reorganization, consolidation and development of the Security Forces (PNTL) and Armed Forces (F-FDTL) is an obligation, considering that their weakness gives room to manipulations. National Defense no longer has an unique military nature. It cannot be improvised, it must be structured and planned in due time, have a preventive nature, aiming at the health of the national body, avoiding or minimizing the need to resort to conflict situations of external or internal nature to face any threat in any time or circumstance. This defense is made by the joint action of the military component (military defense) and non military component (civil defense).

The Democratic Rule of Law that guides all State action grants the exclusive legislative competence to the National Parliament for the approval of legislation that frames the “National Policy of Defense and Security” art. 95, n° 2 o) of the CRDTL which subordinates Policy to the Constitution and the Law. The Semi presidential system in force in Timor-Leste imposes such option, namely regarding the matters at hand and the potential for the limitation of Fundamental Rights. The specificity of National Security determines the national, global, integrated and permanent nature of its Policy according to the Constitution and the law, materialized by the definition of the “Permanent Aims”, “Principles” and the basic structure that takes away from the contingent political decision its essential guidelines. On the other hand, the governmental autonomy in the pursuit of the political destinies of the State, according to art. 103 of the CRDTL cannot be jeopardized. A delicate balance between the political function of the Government and the legislative power of the National Parliament must be found, in the strict subordination to the protection of the Rights, Freedoms and Guarantees of the citizens, to International Law in force in Timor-Leste and to the principle of proportionality by which the least possible prejudice should be inflicted in the pursuit of the aims of the State in matters of National Security.

The three pillars of the State activities in matters of National Security, relative to National Defense, Internal Security and Civil Protection impose an integrated concept of *Human Security* which articulates the means at the disposal of the State without the sacrifice of any of the forces. Therefore the present law reflects the special attention given in Timor-Leste to the traditional structure and its representatives, in special the *Chefes de Suco*. The integrated understanding of the National Security concept, regarding the articulation of the State functions in matters of Defense, Security and Civil Protection imposes the Integrated System of National Security. The Integrated

System here proposed presents two dimensions: on the one hand, the obligation of all the forces involved to develop within their structure skills that render their interaction easier and, on the other hand, an organic structure to coordinate the joint engagement of the forces. Nonetheless more than underappreciated any of the state functions must be developed, the capacities of each force to that end ensuring, namely the development of the ability in matter of *Civil and Military Cooperation*, in an integrated interpretation of the exercise of the function of the State in matters of Security and Defense.

This matter is developed with grater detail regarding the competences of each one of the Forces. The constitutional determination regarding Defense and Security, respectively art 146 and 147 of the CRDTL, ensure that “The FALINTIL-FDTL (...) are responsible for the military defense of the Democratic Republic of East Timor” according art. 146, while the art. 147 states that “The police defends the democratic legality and ensures the internal security of populations”. The main competence of the F-FDTL for the “military defense” and of the “police” in the defense of the democratic legality and the security of the populations, at the ends for which the forces are constitutionally established. The creation of military or paramilitary forces away from this constitutional determination will be consequently unconstitutional. This does not imply the exclusive competence or limitation on the exercise of National Security. The functions of the State in this matter are performed by all its organs and collective persons, moreover in the protection of its essential elements. It is then allowed room for the engagement of non strictly military competencies to the F-FDTL (already allowed for the support of civilian authorities and in cases of State of Siege or Emergency), as well as the integration of the non military component of National Security (especially given to the Police Forces and accepted in the civilian organization in times of war). In both cases, when acting out side their main constitutional function, which it was found particularly fit to perform, it is important to ensure their engagement. The intervention of any of the forces is subject to the strict respect for the *principle of proportionality* and regarding their operational engagement, it is assured the legal and political control of the use of force or the threat to use force, by the “Rules of Engagement”.

Therefore according to article 95 n° 2 o) of the Constitution of the Democratic Republic of Timor-Leste, the National Parliament decrees to be taken as Law:

National Security Law

Chapter I

General Dispositions

Article 1

(National Security)

1. The Timorese State defends and guarantee national sovereignty, according to the Constitution, the present law and others laws in force.
2. National Security is the complex of state functions aimed at protecting the independence and sovereignty of the political power, of the unity and integrity of the national territory and the freedom and security of the populations.

Article 2

(Characteristics of National Security)

1. National Security is characterized as national, integrated, global and permanent, inter-ministerial nature and comprehends all the means of the State against any threat and danger to its essentials elements.
2. The National Security aims at ensuring the security of the populations, that allow social, economic, cultural and human development and includes all political and administrative resources at the hand of the State, in particularly the Defense and Security Forces in the Constitution and the agents of Civil Protection.
3. National Security comprehends the activities of National Defense, of Internal Security and Civil Protection, as well as all those other missions of public interest, namely those referred to fishing and environmental pollution, rescue, medical evacuation and the promotion of the well-being and quality of life of the populations.
4. National Security reflects the socio-cultural reality of the country and, specially, the traditional organization, in order to better fulfill its objectives, taking the populations as its reference and taking into account the Integrated System of National Security, in particular the Municipal Security Councils and the *Chefes de Suco*.

Article 3

(Civil and Military Cooperation)

1. The forces of Security and National Defense ensure specific capacities of civil and military cooperation, which allow the integrated response to the dangers and threats to National Security, namely support to the populations.
2. The capacities of the previous number support, in time of peace, the socio-economic development of the populations and, in time of crisis, namely natural catastrophes, serious changes to the public order, ensures its most effective resolution.

Article 4

(Principles)

1. The activities of National Security ensure national sovereignty, namely independent determination of the Policy of National Security and the strategic aims of the country.
2. National Security is at the service of the community, subject to the Constitution and to the law, under the direction of the democratically elected organs of sovereignty.
3. The Timorese State respects the Human and Peoples Rights, the Fundamental Rights, Freedoms and Guaranties of the citizens, nationals and foreigners, in the defense of its sovereignty.
4. National Security respect the principles and rules of International Law in force in East-Timor, namely, those regarding the multilateral system of collective security and the regional and bilateral agreements of the Timorese State.
5. The activities of State in matters of National Security aim at preventing and dissuading threats and the use of force is always subsidiary to the use of diplomatic, negotiation and arbitral means aimed at the peaceful resolution of any dispute or conflict and with preference to the use of the non lethal weapons.
6. The activities of National Security in the framework of the alliances of collective defense, promotes the employment of the Defense and Security Forces in crisis management missions, peacekeeping and humanitarian missions.
7. In the activities of National Security, the Timorese State follows the principle of proportionality, inflicting the least possible sacrifice to meet its ends.

8. It is a fundamental duty of the Timorese citizens to participate in the activities of National Security, according to the Constitution and the law.

Chapter II

National Security Policy

Article 5

(National Security Policy)

1. The Timorese State develops a coherent set of principles, aims, guidelines and measures to enforce of National Security.
2. The Policy of National Security is developed in the framework of the competences of each organ of sovereignty, according to the Constitution and the present law.
3. The Policy of National Security is designed, proposed and executed by the Government, according to the contributions of all entities with competences in matters of National Security, namely those that compose the Integrated System of National Security.
4. The main guidelines and measures of the National Security Policy, necessarily, integrate the Program of the Government approved in the Council of Ministers and presented to the National Parliament.
5. The conducting of the National Security Policy is the competence of the Government, in articulation with the competences of the other organs of sovereignty on National Security.
6. The need for National Security, the duties there of and the general lines of the National Security Policy are subject to up-to-date public information.

Article 6

(Characteristics)

The National Security Policy has:

- a) a national character, destined to all national territory and involving all national citizens, namely the traditional structure;

- b) an integrated character, incumbent on all organs, collective persons and State departments to promote the indispensable conditions for its execution;
- c) a global character, including the military component and the non military component;
- d) a permanent character, exercised at all time and in any place.

Article 7

(Permanent Aims)

1. The National Security Policy, to be formulated by the Government, is subject to the Permanent Aims set by the present law.
2. The national, integrated, global and permanent character of the National Security Policy derives from the following permanent aims:
 - a) to ensure national independence;
 - b) to ensure the unity, integrity and sovereignty over the national territory;
 - c) to protect the freedom and the security of the populations, as well as the protection of their goods and national patrimony/endowment;
 - d) to guarantee public peace and the freedom of the sovereignty organ, the regular functioning of the democratic institutions and the possibility to accomplish the fundamental aims of the State;
 - e) to ensure the security conditions of the populations, that allow the social, economic, cultural and human development and engage all political and administrative resources at the disposal of the State;
 - f) to promote and reinforce national cohesion;
 - g) to ensure the sovereignty, the protection and the development of natural resources;
 - h) to contribute for peace, security and regional and international stability;
 - i) to contribute for the development of the moral and material capacities of the national community, in order to prevent or react to any threat with the appropriate means;
 - j) to ensure the sustenance or the reestablishment of peace in conditions that are in accordance with the national interests;
 - k) to ensure the security, control and management of the land and maritime borders according to the Integrated System of National Security;

- l) to identify and protect the strategic space of national interest, namely ensure the sovereignty over the territorial, contiguous and exclusive economic zone waters;
- m) to ensure public order, the public security and peacefulness, to protect people and goods;
- n) to protect the exercise of the fundamental rights and freedoms of the citizens;
- o) to prevent criminality, specially violent and organized criminality;
- p) to ensure the effectiveness and coordination of the National Intelligence System;
- q) to prevent and reduce the consequences of natural catastrophes, protect the environment and preserve public health;
- r) to promote civil protection and emergency planning;
- s) to integrate multilateralism, in the international and regional context;
- t) to ensure the promotion of the National Security values in the educational system on all levels;
- u) to establish a policy of public information;
- v) to promote the coordination and articulation between the Defense and Security forces, namely through the integrated training of its staff;
- w) to ensure the strengthening of the civil-military cooperation;
- x) to promote the traditional organization as a factor of national identity able to promote National Security.

Article 8

(National Security Values)

National Security follows and promotes the values of Loyalty to the people, hierarchy and others entities that are part of the Integrated System of National Security, physical and moral Courage, Initiative in the respect of the principle of Democratic Legality, Respect to the People rights have to freedom and self-determination.

Article 9

(National Security Priorities)

To fulfill the Permanent Aims of National Security, the National Security Policy defines the following priorities, considering, namely:

- a) the identification of the potentialities and vulnerabilities, reinforcing ones and minimizing others, aimed at the reduction of the threats and dangers;
- b) the guarantee of the Civil and Military Cooperation and its continuous and integrated strengthening ;
- c) the coherent and integrated identification of the complementary aspects of the Security and the Defense;
- d) the complementarities of the Security and Defense duality and its development as a factor of stability and reinforcement of national identity;
- e) the configuration of the forces according to the adequate capacities to its missions;
- f) the need to ensure civil protection and emergency planning;
- g) the contribution for the sustainable and harmonized capability of the Defense and Security forces;
- h) the efficient and integrated use of resources;

Chapter III

Integrated System of National Security

Article 10 (Principle)

1. National Security is a pluri-sectorial, multidisciplinary and inter-ministerial activity in which all organs and collective persons of the Timorese State take part.
2. The organs of sovereignty exert their competences in matters of National Security, according to the Constitution, the present law and other legislation in force.

Article 11

(Integrated System of National Security)

1. The response to the threats and dangers for National Security determines the integration of the components and entities, without prejudice to their autonomy, identity and for the performance of their missions, of:
 - a) FALINTIL-FDTL;

- b) PNTL;
 - c) Intelligence System (National System of Intelligence);
 - d) Civil Protection;
 - e) Fire Department;
 - f) System of Maritime Authority;
 - g) Aeronautic Authority;
 - h) Prisons Services;
 - i) Municipal Security Councils.
2. The Integrated System of National Security favors the complementarities and the deepening of the forces collaboration that constitute it, in the operational, training and logistics aspects, with the aim of optimizing the resources and the greater effectiveness in the fulfillment of their missions.
 3. The Integrated System of National Security should support the civil and military cooperation, namely by favoring the strict connection to the traditional organization through the *Chefes de Suco*.
 4. For specific missions of civil or military character, namely, in crisis situations, task forces can be created for the operational coordination of the participant entities in the Integrated System of National Security by joint decision of the holder of the Security and Defense office.
 5. The Integrated System of National Security exercise, in the framework of alliance systems of collective defense, values the employment of the Defense and Security Forces and the agents of Civil Protection in crisis management missions, peacekeeping and humanitarian missions.

Article 12

(National Security Coordinator Office)

1. The National Security Coordinator Office is competent for the coordination of the Integrated System of National Security, at the political level, and its Permanent Committee, at the operational level.
2. The National Security Coordinator Office establishes the coordination between the political and operational dimensions of the National Security and has an inter-ministerial character and is destined for the consultation of the Prime-Minister in

matters of National Security, namely the adoption of the necessary measures to face the dangers and threats to National Security.

3. The National Security Coordinator Office is composed by:
 - a) The Prime-Minister, presiding;
 - b) The Vice-Prime-Minister and the State ministers, if any;
 - c) The holder of the National Defense office;
 - d) The holder of the Internal Security office;
 - e) The General Chief of Staff of the Armed Forces;
 - f) The General Commander of the National Police of East Timor;
 - g) The National Director of the Intelligence Service;
 - h) The representatives of the other entities that are part of the Integrated System of National Security.
4. Any other entity with competences in matters of National Security can be called to participate in the meetings of the Coordinator Office.
5. The Coordinator Office meets, ordinarily, once a trimester and, extraordinarily, whenever the Prime-Minister summons it or at the request of any of the members of its restricted constitution.
6. Whenever there is the engagement of the FALINTIL-FDTL the operational command will be given to the General Chief of Staff of the Armed Forces.
7. The Coordinator Office has at its disposal a situation room, with adequate means, to monitor and coordinate in cases of serious threats to the National Security.
8. The functioning and organization of the Coordinator Office is defined by special law.

Article 13

(Competences)

The Coordinator Office of National Security assists, in a permanent way, the entities that are a part of the Integrated System of National Security, namely:

- a) to define the terms of the cooperation between all the entities that are part of the Integrated System of National Security;
- b) to perfect the forces and the services of the Defense and Security and of the Civil Protection agents, in order to their improvement, without prejudice to its specific missions;

- c) to coordinate the integrated engagement of their members, facilities and other means, in order to face serious threats;
- d) to propose regulations and procedures for the Defense and Security Forces and Civil Protection agents, in cases of serious risks or threats to the National Security;
- e) to define the international coordination and cooperation of the forces and services that compose the Integrated System of National Security;
- f) to systemize procedures to perfect the coordination and of the integrated training processes;
- g) to propose and approve the Integrated Plan of National Security.

Article 14
(Permanent Committee)

1. The Coordinator Office has a Permanent Committee, composed of a representative of each of its members, which is a specialized organ of advice and consultation for the technical and operational coordination of the activities of the Defense and Security Forces and agents of the Civil Protection and for the development of strategies to prevent conflicts.
2. The Permanent Committee is a specialized organ of consultation and advice aimed at the technical and operational coordination of the activities of the entities that are part of the Integrated System of National Security.
3. Other competences may be attributed by law.
4. The functioning and organization of the Permanent Committee is defined by appropriate law.

Article 15
(Crisis Situations)

1. The Coordinator Office defines the coordination of the entities that are a part of the Integrated System of National Security in cases of catastrophe or public calamity, by action of the men or fact of nature, namely fire, flood or earthquake, as well as serious or generalized disturbances of the public order, which threaten the normal functioning of the democratic institutions.

2. The Coordinator Office acts as Center of Crisis Management, which reports to the National Parliament in the event of engagement, according to the previous number terms.

Article 16
(Joint Action)

1. The joint action of the entities that are part of the Integrated System of National Security can be decided, whenever necessary to fulfill the aims of National Security, namely in situations of public calamity, in the prevention of collective dangers, to reinforce the security measures or in the case of serious changes to the public order, as well as in any other circumstances determined by the law.
2. In the cases of previous number, the cooperation and coordination of the engagement of the Defense and Security forces and the agents of Civil Protection can occur, whenever justified, without prejudice to their autonomy, identity and specificity of their missions in subsidiary support to the entities with principal competences, under this law.
3. For specific missions of civil or military character, whenever the crisis situation of the previous numbers justifies. Task-forces can be created for the operational coordination of the entities participant in the Integrated System of National Security, by joint decision of the holders of the Security and Defense offices.
4. Whenever the seriousness of the situations of the previous numbers justifies operational Joint Commands may be created for the coordination of the forces joint actuation.
5. The operational engagement is based on an engagement justification, levels of operational and strategic command, degrees of command and control, command structure and engagement levels and rules.
6. The civil and military cooperation favors the inter-operationality of the Defense and Security forces and is assured according to the Constitution, this law and other legislation in force, and integrates the administrative organic structure already in place, namely through the permanent exchange of liaison officers.

Article 17
(Integrated Plan of National Security)

1. The Integrated Plan of National Security intends to accomplish the aims of the Integrated System of National Security, in the several areas of Defense, Internal Security and Civil Protection.
2. The Integrated Plan consecrates, namely:
 - a) The establishment of the terms of the collaboration between the F-FDTL, the PNTL and the other entities that are part of the Integrated System of National Security;
 - b) The development of the relations between the respective organizations;
 - c) The development of the strategies that support the integration of the action plans of the governmental departments in the National Security sphere;
 - d) The definition of the complementarities of the forces, in order to efficiently accomplish the respective missions, namely in crisis situations that require their integrated engagement of the people and means.
3. The Coordinator Office prepares, with the power to delegate in its own Permanent Committee, and approves the Integrated Plan.
4. The control of its implementation is the responsibility of the holder of Defense and Security office.

Chapter IV

Defense, Security Forces and Agents of Civil Protection

Article 18

(Security and National Defense Forces)

1. The Timorese State holds the monopoly of the use of force in matters of National Security, being prohibited armed associations and military or paramilitary organizations, in accordance with the Constitution, this law and other legislation in force.
2. The Security and National Defense Forces and the Civil Protection agents are subject to the Constitution and the Law, the determinations of the organs of

sovereignty with capacities over National Security, having no party, according to the Constitution, the present law and other legislation in force.

3. The establishment and the configuration of the Defense and Security Forces and the Civil Protection agents favors their joint action and the participation in multinational peacekeeping and humanitarian forces.
4. The illegitimate interference of people or organizations of any nature, national or international, in the Defense, Security Forces and Civil Protection agents is prohibited.
5. All entities part of the Integrated System of National Security are, whenever necessary, agents of Civil Protection, in accordance to their responsibilities and of competences of their organs, and without prejudice to their independence, autonomy and to the specificity of their missions.

Article 19

(Engagement and commitment of the Forces)

1. In the exercise of their competences in matters of National Security, all entities are a part of the Integrated System of National Security are strictly subordinated to the Constitution and the Law, the respect for the Rights, Freedoms and Fundamental Guarantees of the citizens and the Rights of the Peoples, the decisions of the political power and the administrative hierarchy.
2. National Security includes the National Defense, Internal Security and Civil Protection activities, as well as all the missions of public interest, namely those referred to fishing and environmental pollution control, rescue, medical evacuation, as well as those relative to the support of the improvement of the well-being and quality of life of the populations.
3. The use of force by the Defense and National Security Forces is always subsidiary to all prevention, dissuasion, negotiation and arbitral means, inflicting as little sacrifice as possible in the fulfillment of their aims and always favoring the use of non lethal weapons.

Article 20

(Use of Force)

1. The use of force and the threat of the use of force by the Defense and Security Forces strictly follow the Constitution and the laws in force, namely the rules of International Law in force in East Timor.
2. The use of force, the threat of the use of force or any activities related to its use are controlled politically, for legal and political reasons, by the definition of Rules of Engagement.
3. The Rules of Engagement for the forces and individuals, at all levels of command, define the circumstances, conditions, degree and form, in which force can be used.
4. The Rules of Engagement respect the Rights, Freedoms and Guarantees of the citizens and the Human and Peoples Rights, the Rule of Law, namely the rules of International Law in force.
5. The Rules of Engagement typify the cases when force may be used, other than self defense, of the individual and for the protection of the force cases.
6. The Rules of Engagement for the FALINTIL-FDTL are proposed by the General Chief of Staff of the Armed Forces and for the National Police of East Timor, by the PNTL General Commander, and approved, in both cases, by the holders of the of Defense and Security offices.

Article 21

(FALINTIL-FDTL)

1. The FALINTIL-FDTL are responsible for the military Defense of the Democratic Republic of East Timor, according to the Constitution and the laws in force and without prejudice to the agreements of International Law in force in East Timor.
2. Besides its main mission, the F-FDTL can, also, be engaged for other specific missions of public interest, namely public calamity situations, and collaborate with the security forces and civil authorities in the prevention of collective dangers or reinforce security measures, namely in cases of serious changes to the public order, as well as any others that the law may determine.
3. According to the previous number, the F-FDTL develop civil and military cooperation skills, with the special attention to the traditional socio-cultural structure.
4. The composition, organization, structure and competences of the F-FDTL are defined by adequate legislation.

Article 22
(PNTL)

1. The Police of East Timor defends the democratic rule of law and ensures the internal security of the citizens, according to the Constitution, with special attention of its communitarian dimension to the traditional socio-cultural structure.
2. Besides its main mission, the Police of East Timor may, also, be employed in other specific missions of public interest and collaborate with the Defense Forces and military authorities in a complementary way, as well as any other the law might determine.
3. According to the previous number, the PNTL has a strategy, philosophy of communitarian action and, as for the organization, discipline, training and personnel statues, approaches the Security Forces of militarized nature of the F-FDTL.
4. The composition, organization, structure and competences of the PNTL are defined by adequate legislation.

Article 23
(Civil Protection)

1. The civil protection is the complex of activities of the State, citizens and of all public and private entities destined to prevent collective dangers inherent to situations of serious accidents or catastrophes, to limit its effects and protect and help the people and goods in peril when those situations take place.
2. The civil protection activities have a national, permanent, multidisciplinary and pluri-sector nature, to be defined by special legislation, which consecrates its aims, principles, priorities and the terms of the declaration of alert, contingency and calamity situations, which are developed by the civil planning of emergency and civil protection.
3. The coordination of the civil protection agents, without prejudice to the capacities of each of the entities of the Integrated System of National Security, as well as their independence, autonomy and specific their missions, is a responsibility of the Civil Protection Authority, organized at national, district and suco level.

4. The Civil Protection Authority has the competence of planning, coordinating and executing the civil protection policy, namely the prevention and reaction to serious accidents and catastrophes, prevention and assistance/aid to the populations and the supervision of the activities of the Fire Departments.
5. The Civil Protection Authority has the responsibility to promote the assessment, prediction and evaluation of collective dangers, organize the national system of alert and warning, and control the compliance of the legislation in matters of civil protection.

Article 24
(Intelligence System)

1. The intelligence system in matter of National Security aims at collecting, managing and divulgation/propagation/transmission of the intelligence necessary to protect national independence and sovereignty and to guarantee the National Security, internal and external.
2. The policy of intelligence is defined with the aim of getting, managing and coordinating the strategic information, as well as the type of information to collected and managed by each service and the respective functional liaison.
3. The intelligence system must have the ability to assess transversal the National Security situation, at the internal and external levels, ensuring the effective coordination and complementarities between the services, in order to constitute a multiplicand factor of the forces.
4. The functional connection at the strategic level between the national intelligence service (National Intelligence System) and the military and policies intelligence system must be assured.
5. In the exercise of its competences in matters of Intelligence System, namely its action and effectiveness, all systems and services are, strictly, bound to the Constitution and the Law, to the respect of the Fundamental Rights, Freedoms and Guarantees of the citizens, to the decisions of the political power and the administrative hierarchy.
6. According to the previous numbers special legislation, must be approved, namely ensuring the need and mechanisms of internal and external control and oversight.

Article 25

(Security)

1. For reasons of public interest, the security of personnel, objects and facilities, information and information technologies must be ensured.
2. According to the previous number, must be established clearance levels for the access to the installations and classified matters for civilian and military purposes, in terms to be define by a national authority with power, namely to control its execution.
3. The organization and functioning is defined by adequate legislation.

Article 26

(Violation of secrecy)

The breach of State Secrecy and the any other obligation to secrecy are punishable by law.

Chapter V

Final and transitory dispositions

Article 27

(Regulation)

1. The definition of the activities of the State of East Timor in matters of National Defense is ruled by the Law of National Defense.
2. The definition of the activities of the State of East Timor in matters of Internal Security is ruled by the Law of Internal Security.
3. The definition of the activities of the State of East Timor in matters of Civil Protection is ruled by the Law of Civil Protection.
4. The matters of State Secrecy are developed by specific legislation, which, namely, regulates the work of the National Security Authority.
5. The System of Maritime Authority is ruled by special legislation.

6. The activities of private security are ruled by special legislation.
7. The composition, organization, structure and competences of the F-FDTL and of the PNTL are defined by special legislation.

Article 28
(Repealed Legislation)

All legal dispositions and rules that contradict the present law are revoked.

Article 29
(In force entry)

The present law will come into force the day following its publication.

Approved on ... 2008.

The President of the National Parliament

Fernando Lassama de Araújo

The President of the Republic

José Ramos-Horta