

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF DEFENCE

DECREE LAW NO. /2006
OF
ORGANIC STATUTE OF FALINTIL-FDTL

FALINTIL-FDTL is the legitimate successor to the glorious Armed Forces for the National Liberation of Timor-Leste – FALINTIL.

FALINTIL, which stands for Armed Forces for the National Liberation of Timor-Leste, is the repository and witness of the History and courage of the Timorese People who cherish PEACE, Liberty and Human Dignity, values proudly adopted by our Nation from times immemorial. These are ancestral values that have been enshrined in the Constitution of the Democratic Republic of Timor-Leste as fundamental rights.

The Constitution defines the intrinsic nature and the broad parameters that determined the establishment of the Timor-Leste Defence Force following the values that guided the conduct of the Armed Forces for the National Liberation of Timor-Leste even during the most difficult times of military aggression and occupation and of international isolation which the people were subjected to at a given point in time.

With the restoration of independence, FALINTIL-FDTL now sees its responsibilities being increased and expanded in terms of articulating and interacting with other defence and security institutions, including State institutions, in order to guarantee and safeguard the sovereignty of the country, the Constitution, the laws and the democratically elected institutions. And, as in the past, FALINTIL-FDTL must continue to be able to respect the people they belong to and to constitute an example of courage and a reason for pride.

Thus, pursuant to subparagraph d) of article 116 of the Constitution of the Republic, the Government decrees the following to have the force of law:

CHAPTER I
NATURE AND MISSIONS

Article 1
Nature

1. FALINTIL-Timor-Leste Defence Force, hereinafter referred to as F-FDTL, is the Defence Force of the Democratic Republic of Timor-Leste.
2. F-FDTL shall be strictly non-partisan and shall have a single system organization for the whole national territory.

3. Regardless of their grade or category, members of F-FDTL shall not participate directly or indirectly in political activities.

Article 2

Missions

1. The generic mission of F-FDTL shall be to guarantee national independence, territorial integrity and the freedom and security of the populations against any aggression or external threat, in respect for the constitutional order.
2. In addition to the generic mission referred to in paragraph 1 above, F-FDTL shall also accomplish the following missions:
 - a) Guarantee the vigilance and the defence of land, maritime, and air borders;
 - b) Guarantee the activities of search and rescue in the sea;
 - c) Support civilian authorities in their search for meeting the basic needs and improve the quality of life of the populations;
 - d) Support the constitutional order in the framework of its participation in situations where there is a declaration of a State of Siege or a State of Emergency;
 - e) Support the foreign policy of the State through activities of a technical and military cooperation nature and participate in Peace Operations, Humanitarian Operations, as well as in other operations established in the framework of international agreements.
3. From the missions referred to in the previous paragraphs, F-FDTL shall be entrusted with Specific Missions the definition of which shall result from the presentation by the Chief of the General Staff of the respective initial plans which, once submitted by the Minister of Defence in the form of proposals, shall be approved by the Council of Ministers.
4. The use of F-FDTL in situations of State of Siege or State of Emergency shall be regulated by a specific statute.

CHAPTER II

ORGANIZING STRUCTURE

SECTION I

GENERAL STRUCTURE

Article 3

Integration in State administration

F-FDTL shall owe obedience to the competent organs of sovereignty in accordance with the Constitution and the laws, and shall be integrated in the direct administration of the

State through the Ministry of Defence.

Article 4 **Superior organs**

The superior organs of State responsible for national defence and F-FDTL shall be the following:

- a) The President of the Republic;
- b) The National Parliament;
- c) The Government;
- d) The Chief of the General Staff of F-FDTL.

Article 5 **President of the Republic**

The President of the Republic shall be the Supreme Commander of F-FDTL by right of office and, in such capacity, shall have the following rights and duties:

- a) The right to assume, in conjunction with the Government, the superior leadership of F-FDTL in case of war;
- b) The right to be informed by the Government about the situation of F-FDTL and its members;
- c) The right to consult the Chief of the General Staff of F-FDTL or whoever substitutes him or her;
- d) The right to confer military decorations on his or her own initiative;
- e) The right to occupy the first place in the hierarchy of F-FDTL;
- f) The duty to contribute to ensure loyalty to F-FDTL, to the Constitution, and to democratic institutions;
- g) The duty to advise the Government in private about the conduct of the national defence policy.

Article 6 **National Parliament**

As an organ of sovereignty of the Democratic Republic of Timor-Leste, the National Parliament has the responsibility to approve the national defence policy and monitor the action of the Government insofar as F-FDTL is concerned.

Article 7 **Government**

1. The Government is the executive organ of the national defence policy and the superior organ of administration of F-FDTL;

2. The Prime Minister is politically responsible for the conduct of the national defence policy and it is incumbent upon him or her:
 - a) To coordinate the action of the Government in the matters relating to F-FDTL;
 - b) To lead inter-ministerial activities geared towards the implementation of the national defence policy and F-FDTL;
 - c) To participate in the Council of State and in the Superior Council for Defence and Security;
 - d) To inform the President of the Republic about the matters relating to F-FDTL and the conduct of the national defence policy.
3. In case of war, the superior leadership of F-FDTL shall be assumed by the Prime Minister in conjunction with the President of the Republic.

Article 8
Chief of the General Staff of F-FDTL

1. The Chief of the General Staff of F-FDTL shall be the principal military adviser of the Minister of Defence and shall exercise the Total Command of F-FDTL;
2. The Chief of the General Staff of F-FDTL shall be appointed and dismissed by the President of the Republic on proposal of the Government.
3. The Chief of the General Staff of F-FDTL shall always be accountable to the Government through the Minister of Defence in terms of readiness, availability, sustainability and employment of forces and means.
4. It shall be incumbent upon the General Staff of F-FDTL to:
 - a) Plan, lead and control the execution of the military defence strategy;
 - b) Evaluate the state of readiness, availability, efficacy and combat sustainability of the forces;
 - c) Plan and lead the joint operational training and formulate the training orientation to be applied in combined exercises;
 - d) Study, plan and prepare the transition of F-FDTL from a phase of peace to a phase of war;
 - e) Guarantee the synchronization and operability of the Command, Control, Computer, and Intelligence Systems, including operational and territorial Surveillance and Reconnaissance (C4ISR);
 - f) Prepare, under the direction of the Minister of Defence, the draft laws on military planning relating to the General Staff of F-FDTL and submit them to the Superior Council for Defence and Security.
 - g) Lead the organs under its organic dependence by namely managing matters relating to military and civilian personnel integrated in such organs;

- h) Exercise the functions falling under its responsibility insofar as military justice is concerned and administer discipline in the organs under its dependence;
- i) Submit the following to the Minister of Defence:
 - i) proposals for the joint military doctrine;
 - ii) proposals for the F-FDTL Apparatus;
 - iii) Proposals for the Specific Missions of F-FDTL;
 - iv) proposals on the Military Service system;
 - v) proposals for the Military Strategic Concept;
 - vi) annual proposals on the Force Development Plan;
 - vii) the levels of readiness, availability and combat sustainability of the forces
 - viii) military defence plans and contingency plans;
 - ix) matters of a general and specific nature pertaining to the organs under its organic dependence;
 - x) the organic structure of head commands as well as territorial and operational commands under its dependence;
 - xi) appointments and dismissals of commanders under its dependence;
 - xii) advices on the aspects of the draft annual budgets for F-FDTL having an incidence on the operational capacity of F-FDTL;
 - xiii) the participation of F-FDTL in meeting military commitments deriving from international agreements, in the relations with military organisms from other countries, including in international organisms, as well as in diplomatic missions abroad;
 - xiv) the establishment of restrictions to the exercise of the right to property as regards areas confining with military organizations or military facilities or having an interest for the national defence.

Article 9

Deputy Chief of the General Staff of F-FDTL

1. The Deputy Chief of the General Staff of F-FDTL shall be a general officer and an immediate collaborator of the Chief of the General Staff of F-FDTL.
2. The Deputy Chief of the General Staff of F-FDTL shall be appointed and dismissed by the President of the Republic following a proposal of the Government and after hearing the Chief of the General Staff of F-FDTL.

SECTION II SPECIFIC STRUCTURE

Article 10 F-FDTL structure

1. The structure of the Defence Force shall comprise:
 - a) The General Staff of F-FDTL;
 - b) The military organs of Command of the Defence Force;
 - c) The Components Commands.

2. The General Staff of F-FDTL shall comprise:
 - a) The Chief of the General Staff of the Defence Force;
 - b) The Joint Coordinating Staff;
 - c) The Defence Force Operations Centre;
 - d) The Components Commands.

3. In the exercise of command, the Chief of the General Staff of the Defence Force shall be assisted by the Deputy Chief of the General Staff of the Defence Force and the Chief of Staff of the Defence Force.

4. The military organs of the Command of the Defence Force shall be the Chief of the General Staff of the Defence Force and the Components Commanders.

5. The Joint Coordinating Staff shall be the organ for planning and support to the decisions of the Chief of the General Staff of the Defence Force and shall be headed by the Chief of Staff of the Defence Force.

6. The Defence Force Operations Centre shall be the organ designed to enable the exercise of Command of the Chief of the General Staff of the Defence Force and shall be transformed into the Joint Headquarters in case of conflict or war.

7. The internal organization, functions, and competencies of the General Staff of F-FDTL shall be defined by a specific statute.

Article 11 Organization of F-FDTL Components

1. The Command structure of F-FDTL shall comprise the following components:
 - a) The Land Force Component;
 - b) The Light Naval Force Component;
 - c) The Air Support Component;
 - d) The Training and Exercise Component;

- e) The Service Support Component.
- 2. A Specific Command may be established in situations of crisis, public disasters or joint operational exercises for the accomplishment of missions superiorly established.
- 3. In case of war and pursuant to the law, Head Commands may be established under the dependence of the Chief of the General Staff of F-FDTL with the objective of enabling the conduct of military operations and their respective commanders shall have the competencies, forces and means conferred to them by the Government.

Article 12
Organization of the system of Forces and F-FDTL Apparatus

- 1. The organization of F-FDTL has as essential objectives the readiness of the operational obligations as well as the efficient employment of the Forces in the accomplishment of the missions entrusted to it.
- 2. The organization of F-FDTL in times of peace must be such that its transition into states of war can take place with the least number of changes.
- 3. The system of forces shall comprise:
 - a) an operational structure, encompassing the conjunction of forces and means of support;
 - b) a territorial structure, encompassing the conjunction of organs and services necessary to the general support of F-FDTL;
- 4. The type, capacity and quantity of forces and means for the accomplishment of the entrusted missions shall be approved and regulated by a specific statute.
- 5. The territorial apparatus of F-FDTL shall be approved in a specific statute.

SECTION III
MILITARY INTELLIGENCE SYSTEMS

Article 13
Principles and Competencies of the F-FDTL General Staff

- 1. It shall be incumbent upon the F-FDTL General Staff:
 - a) To maintain the cycle of production of intelligence necessary to the permanent evaluation of the threats to military security, to sovereignty, and to the integrity of the air, land, and maritime space, including the cyberspace;

- b) To prepare and up-date military defence plans and contingency plans;
 - c) To guide the instruction of intelligence within F-FDTL;
 - d) To define the joint military doctrine under its jurisdiction.
2. The military intelligence system shall be ensured by the General Staff of F-FDTL and the Military Forces.
3. The military intelligence system shall owe obedience to the following principles:
- a) Opportunity: intelligence must be obtained in advance and on time to enable it support the plans in an appropriate manner and influence the decisions and the execution of operations;
 - b) Relevance: intelligence must support operation's mission and concept in the framework of Defence Plans and Contingency Plans;
 - c) Accuracy: intelligence must provide a balanced, complete and objective image of the threat;
 - d) Forecast: intelligence must respond on the activity and nature of the threat, its possibilities and the most probable modality of action.
5. Integration of military intelligence in the State intelligence system of the State shall be approved in a specific statute.

CHAPTER III FINAL AND TRANSITIONAL PROVISIONS

Article 14 Revocatory norm

Decree-Law No. 7/2004 of 5 May is hereby revoked, with the exception of articles 18, 19, 20, 21, 22 and 24.

Article 15 Entry into force

The present statute shall enter into force on the day immediately after its publication.

Approved by the Council of Ministers on 4 October 2006.

The Prime Minister

[Signed]
José Ramos-Horta

The Minister of Defence
[signed]

José Ramos-Horta

Promulgated on 30 October 2006

To be published

The President of the Republic

[signed]

Kay Rala Xanana Gusmão