

# TIMOR-LESTE'S LAND BOUNDARIES WITH INDONESIA

Timor-Leste and Indonesia enjoy a positive bilateral relationship and cooperation across a broad range of areas. The two countries provide a global model for reconciliation and constructive friendship. Timor-Leste and Indonesia share the island of Timor: Indonesia to the west and Timor-Leste to the east as well as the enclave of Oe-Cusse Ambeno. As the island is shared it is necessary to establish a land boundary between the two countries.

Following the successful conclusion in 2018 of the UNCLOS conciliation with Australia and the ratification of the Maritime Boundary Treaty, which established permanent maritime boundaries between Timor-Leste and Australia in the Timor Sea, Timor-Leste has prioritised the delimitation of its maritime boundaries with Indonesia. However, according to the international law principle "the land dominates the sea" it is necessary to settle the land boundary terminal points before a maritime boundary can be finalised.



## What happened in the past? / What has been agreed upon by the two States?

Soon after the restoration of Timor-Leste's independence on 20 May 2002, Timor-Leste and Indonesia began discussing their land boundaries. It was agreed that the land boundary would be based on the 1904 Convention between the Netherlands and Portugal on Demarcation of Portuguese and Dutch Dominions on the Island of Timor, and other relevant legal documents.

On 8 April 2005 a Provisional Agreement on the Land Boundaries was signed which settled most of the boundary.

## Who is leading the land boundary negotiations with Indonesia?

With the objective of progressing the resolution of the land boundary and to centralise and coordinate all boundary delimitation, the Government, pursuant to Resolution No. 22/2018 of 5 December 2018 nominated, H.E. Kay Rala Xanana Gusmão as the Special Representative of the Government for the Negotiations of Land Boundaries with Indonesia.

H.E. Ambassador Roberto Soares, the Special Assistant to H.E. Kay Rala Xanana Gusmão, is head of the Technical Team on the Negotiations of Land Boundaries. The Maritime Boundary Office provides legal and technical assistance to support the two Timor-Leste representatives to enable them to best undertake their responsibilities.

The Maritime Boundary Office works with the Ministry of Foreign Affairs and Cooperation which also provides support to the Special Representative and is an important part of the negotiating team in discussions with Indonesia.

## What is the status of land boundary negotiations with Indonesia?

Under the leadership of H.E. Kay Rala Xanana Gusmão, the process of discussions with Indonesia has included a number of formal meetings which have included:

- The inauguration of the first meeting of Senior Officials' Consultation (SOC) was held in Bali in 2015, the second meeting was held in Dili and the third meeting was held in Bandung;
- On 13 – 14 December 2018, the 4th meeting of the SOC was hosted by Timor-Leste in Dili;
- On 29 April – 15 May 2019, a Joint Field Visit was conducted to delineate the Bidjael Sunan–Oben segment and survey the Noel Besi/Citrana Segment;
- On 1 – 3 July 2019, the 5th meeting of SOC was hosted by Indonesia in Bali;
- On 22 July 2019, H.E. Kay Rala Xanana Gusmão and H.E. General Wiranto signed "Agreed Principles" to guide settlement of the land boundary;
- On 14 and 15 August 2019, a Desktop Study meeting was hosted by Indonesia to discuss technical issues for the delineation of the unresolved segments; and
- On 4 and 5 February 2020, H.E. Kay Rala Xanana Gusmão met with the Coordinating Minister for Political, Legal and Security Affairs, H.E. Mohammad Mahfud MD, and the Minister of Foreign Affairs of Indonesia, H.E. Retno Marsudi, to confirm and strengthen both countries' commitment to finalise the land boundary delimitation.

## What needs to be achieved by the two states?

Before the land boundary can be finalised there are some remaining areas that need to be resolved. These segments have complex characteristics or features that require further detailed discussions. For example, in Noel Besi/Citrana in Oe-Cusse Ambeno, it is necessary to reach an agreement on the terminus points where the land boundary meets the sea.

Timor-Leste and Indonesia are currently seeking to organise the next Desktop Study to settle a number of technical issues, as the next step in the delimitation process. While it was expected that the land boundary would be finalised in 2020, as a result of the COVID-19 global pandemic a number of meetings between the countries have been delayed. Both Timor-Leste and Indonesia continue to work together towards finalisation of the land boundary and formal discussions will resume as soon as the COVID-19 situation permits.