



**Address by the Agent, His Excellency the Minister of State
and of the Presidency of the Council of Ministers,
Agio Pereira, at the Compulsory Conciliation
Proceedings at the Peace Palace at The Hague**

**The Hague, Netherlands
29 August 2016**

Mr. Chairman,

Members of the Commission.

I am honoured to stand here before you and humbled to bring the presentation of Timor-Leste to a close today.

May I begin by saying that initiating this conciliation process is a testimony to Timor-Leste's faith in an international legal order based on the rule of law. We ratified the United Nations Convention on the Law of the Sea in belief that our maritime affairs – including the determination of our maritime boundaries – shall be governed by the rules of such a widely accepted multilateral treaty.

The international legal order was established on the principle of the equality of nations. All nations, big or small, developed or developing, old or new, are equal before the law.

The preamble of the Law of the Sea Convention, notes that it is “to contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries.”

As the 191st Member State of the United Nations, a nation modest in population and size, surrounded by two powerful neighbours, Timor-Leste takes great comfort in this basic principle of equality of States and the fairness of the international system.

Becoming a nation among nations is not an achievement taken for granted in Timor-Leste. As you have heard from our Chief Negotiator and Counsel, it came after a period of Portuguese colonisation, followed by 24 years of brutal occupation. We owe our independence to the resilience and determination of our people, and the support of the international community, particularly the United Nations and its Security Council.

At the time of our independence in 2002, the United Nations Secretary-General Kofi Annan said, “Never before has the world united with such firm resolve to help one small nation establish itself.” And he also wisely observed that independence is just the very beginning of the long process of nation building.

Today we face an enormous challenge to provide our young people with the education, health care and jobs they deserve. Our desire to bring stability and certainty to our maritime areas is very much a matter of practical necessity for the sustainable development of our young nation. Securing permanent maritime boundaries will bring certainty to Timor-Leste’s immigration, security, tourism, fisheries and resources sectors, while encouraging business investment and fostering economic development.

At the same time, as our Chief Negotiator explained, settling our permanent maritime boundaries in accordance with international law is

the final stage in our struggle for sovereignty. A final mountain to climb in our journey to fulfil our right of self-determination.

And this, Mr. Chairman, brings me to the second basic principle of the international legal order, one that is at the heart of Timor-Leste's position: that sovereign States shall settle their disputes peacefully. In the context of the law of the sea, this settlement is to result in a fair and equitable solution.

The Law of the Sea Convention provides for binding dispute settlement procedures. Australia has blocked Timor-Leste from utilizing these binding procedures to determine the two States' maritime boundaries by its declaration just prior to Timor-Leste's independence. At that time, this move blocked Timor-Leste from pursuing its maritime boundaries with Australia before the International Court of Justice.

Australian Parliamentarians reviewing this decision noted that these actions "may be interpreted as an effort to intimidate and limit the options of neighbouring countries in relation to any future maritime border disputes."

Needless to say, Australia's actions in this regard were highly disappointing to us. They serve as another milestone in what has been, and continues to be, a complex relationship between Timor-Leste and Australia; one that has known both highs and lows. And although our relationship is generally one of friendship and cooperation, its history is marked with dark and challenging moments and various setbacks.

Fortunately for Timor-Leste, the Law of the Sea Convention also provides for compulsory conciliation as a last resort, when compulsory

dispute mechanisms have been excluded by a State Party. And so, we find ourselves here before you today. We look to you Mr. Chairman, Members of the Commission, to bring us together in the “spirit of mutual understanding and cooperation”, in the words of the Law of the Sea Convention, with a view to assist us to amicably settle our maritime dispute.

Through this conciliation process, we trust that once again the international rules based system – reflected in the law of the Sea Convention – will achieve fairness between nations by solving their disputes peacefully.

The Government and people of Timor-Leste trust that this process will once again demonstrate that all nations – regardless of size and wealth – are equal under international law.

We trust that the young and future generations of Australian and Timorese people will be freed from the burden of this lingering dispute, and face the future together sharing friendship, peace and prosperity.

Mr Chairman, Members of the Commission, this concludes the presentation of Timor-Leste today. I, along with the rest of the Timorese delegation, would like to thank you, the Registrar, and our Australian counterparts for the remarkable way in which the hearings today are being conducted.

Thank you.