



**ADDRESS BY HIS EXCELLENCY KAY RALA XANANA GUSMÃO
CHIEF NEGOTIATOR OF THE COUNCIL FOR THE FINAL DELIMITATION OF
MARITIME BOUNDARIES AND GOVERNMENT'S SPECIAL REPRESENTATIVE FOR
THE BLUE ECONOMY**

**FIRST ANNUAL CONFERENCE OF THE PORTUGUESE
INSTITUTE OF THE LAW OF THE SEA (IPDM)**

“UNCLOS at 40: A Rules-Based International Order for the Oceans”

**Portuguese Ministry of Foreign Affairs, Lisbon
28 June 2022**

Your Excellency Mr Diego Mesa Puyo, Minister of Minerals and Energy of the Republic of Colombia

Your Excellency Mr Francisco André, Secretary of State for Foreign Affairs and Cooperation of Portugal

The Honourable Mr José de Freitas Ferraz, Director of the Diplomatic Institute of the Portuguese Ministry of Foreign Affairs

Distinguished Professor Vasco Becker-Weinberg, President of the Portuguese Institute of the Law of the Sea

Your Excellencies
Ladies and gentlemen,

My Sea, My Timor!

Good morning,

I would like to start by thanking you for being kind enough to watch this video developed by the Maritime Boundary Office.

Nothing could better convey the blue future we want for my country than the voices of my people.

The sea holds economic, cultural and spiritual value for the Timorese. The sea sustains us and we sustain the sea!

Ladies and gentlemen,

I thank the Portuguese Institute of the Law of the Sea, particularly Professor Vasco Becker-Weinberg, for inviting me to take part in this first Annual Conference.

I hope that this will be the first of many and I wish you all the best in promoting the “constitution of the oceans”. Ensuring an international order for the ocean means ensuring peace, stability and development for this vast area that holds so much wealth. Our Ocean is vital to our planet.

When UNCLOS was signed back in 1982, the world could not hazard a guess how important it would become for the governance of the international maritime order, nor how effective it would prove to be in the management of conflicts. Today, 28 years after the Convention entered into force, we can now reflect on its success.

Few could have imagined that a Timorese man – who was a freedom fighter in 1982 and a prisoner in Jakarta in 1994 – would be addressing you today to celebrate two triumphs of the international system: the independence of Timor-Leste, which celebrated its 20th anniversary this year, and the evolution of the Law of the Sea and UNCLOS, which helped us to achieve permanent maritime boundaries!

Although my country is a small island nation, it has a great story to tell. In just twenty years we have managed to build a young democracy and, although we are still fragile, we are making every effort to enter a phase of resilience.

We are implementing a Strategic Development Plan to consolidate a safe, tolerant and open society which is taking its first steps towards economic development.

We are a country that believes in the rule of law and in the promise of a rules-based global architecture that leads to peace.

This has never been more important than today, when war – already commonplace for decades in various parts of the world – has been ravaging Europe for nearly four months now.

This comes at a time when the world is recovering from a global pandemic and facing a climate emergency that threatens everyone's future. And yet we watch while resources are wasted in wars and in disputes between the major powers, in which innocent people are killed and the poor and the vulnerable suffer most.

It is urgent to put an end to war and to human misery. Timor-Leste recently endured a brutal war and so we cannot simply turn a blind eye to the suffering of people in other countries.

Yet, Timor-Leste's story is one of hope.

After a long resistance struggle we finally succeeded in becoming an independent nation, thanks in no small part to an amazing consensus by the international community, which supported both the referendum where we voted for our independence and the construction of our country – literally from the ashes.

And yet, while taking this pathway to freedom, we did not feel truly complete and free because we did not have final maritime boundaries with our two neighbours, Australia and Indonesia.

This meant that we could not claim our seas and the resources that belonged to us under international law. We could not guarantee our own future.

This changed recently, proving what the international architecture can accomplish.

After years of repeated attempts and failures, during which Australia refused to negotiate maritime boundaries, we turned to UNCLOS and its provision for compulsory conciliation.

This was our last resort. Compulsory conciliation was a process designed for situations such as we found ourselves in, where a neighbouring country refuses to negotiate boundaries bilaterally and also withdraws from the binding dispute resolution mechanisms in UNCLOS.

Compulsory conciliation had never been attempted before. We had no guarantees that we would be successful, but we took a chance on the international system, which had served us well in the past.

In 18 months we had reached an agreement with Australia. In March 2018 our two countries signed a Maritime Boundary Treaty at the United

Nations Headquarters, in the presence of Secretary-General António Guterres.

It was a difficult fight with unquestionable political and economic importance to our country. Fortunately, the substance of the law of the sea prevailed. We achieved a package deal, balancing the interests of both States, through a process where the comparative power and size of our nations did not weigh unevenly on the scales of justice.

We are now holding talks with Indonesia on the delimitation of maritime boundaries under international law and UNCLOS.

Maritime boundary treaties clarify the rights and responsibilities of Timor-Leste and its neighbours on the resources and activities within our respective sovereign territories.

And yet, there are nearly 400 disputes over maritime boundaries outstanding around the world. The peaceful resolution of maritime disputes is one of the most pressing issues of this century, as “ungoverned spaces” bring uncertainty to maritime peace and security and undermine the protection of our ocean.

However, the legal order applied to the oceans cannot end with maritime boundaries. There are many issues covered by UNCLOS.

Illegal fishing, for instance, has terrible consequences for biodiversity and ocean resilience.

Climate change and the rising sea level should be an emergency for everyone, not just vulnerable countries that are already under great threat.

This includes Small Island States that are sinking into the sea such as Kiribati and Tuvalu.

Maritime security and the issue of refugees are also subjects that we can not remain indifferent to. To ignore the plight of those perishing at sea is, at the very least, immoral.

Your Excellencies
Ladies and gentlemen,

Today as before, Timor-Leste is following the challenges of our time and wants to play an active role in achieving a fairer world that protects people and the planet.

We know that there is no green without blue!

This is why we are taking the first steps towards developing the Blue Economy of Timor-Leste.

We want to sustain our social and economic growth, while at the same time protecting the ocean's environmental and ecologic balance.

Timor-Leste is located at the centre of the Coral Triangle Region – considered to be the region with the greatest marine biodiversity on the planet.

In fact, our seas have coral reefs that have the greatest biodiversity in the world.

Well... I thought Timor-Leste was so special in its maritime riches, but after hearing the UN Conference address from the President of Columbia, I now realise that, comparing with Colombia, we may not be so unique.

We also have one of the largest concentrations of cetaceans, in addition to whale migration corridors for the incredible blue whale as well as the humpback whale, sperm whale and dolphins.

Further, Timor-Leste's warm waters and marine and coastal beauty hold enormous potential for sustainable tourism development.

On the other hand, we depend on fishing for our survival. Although we do not have overfishing, we have to contend with illegal fishing by foreign fleets, which causes us severe financial and environmental damage.

We have important opportunities in aquaculture, maritime transportation, maritime infrastructure and port facilities.

We also have significant natural resources in our seas, which can be considered the “elephant in the room” at a time that the world is seeking an energy transition.

In a country like ours, where around 60% of the population is under 25 years old, developing the economy of the sea is more than a goal for economic diversification and growth – it is also a matter of stability, not just for the nation but also to the region and even to the world.

We know, ladies and gentlemen, that the oceans are vital to our survival. We also know that governance of the ocean involves some of the most pressing issues of the century. Effective governance of the ocean under the law of the sea is essential for protecting our future and for global peace and security.

We are ready to contribute to the realisation of SDG 14 and to the conservation and sustainable use of ocean resources through international law. We want to add our voice to all those who want to “*Save the Ocean, Protect the Future*”.

We want to be part of this new age with concrete actions that contribute to a healthier ocean.

This will include expanding our protected marine areas, conserving our coral reefs, protecting our mangroves, ensuring sustainable fishing and creating a Marine Education Centre, so that our young people can become a Blue Generation.

We are a young country. Our young people have the energy and determination to ensure that our sovereignty, which came with so much sacrifice, is a blue sovereignty.

The good news is that we are a “blank slate” – or better yet a “blue slate”.

Dircia's dream from the video comes to my mind. Dircia, upon learning of this Ocean Conference, as we can all imagine, was even more eager than ever to take the marine biology course.

I want to believe that an institution may emerge that wants to invest in the training of Dircia, and certainly other young Timorese, which will guarantee that Timor-Leste will, with knowledge and conviction, implement the Blue Economy from scratch!

UNCLOS has already travelled a long path, having existed for twice as long as independent Timor-Leste. Nevertheless, like my country, it still has much room to grow, diversify and consolidate.

Timor-Leste will remain a staunch defender of the rules-based system, particularly UNCLOS.

Thank you all and thank IPDM for inviting me.

Kay Rala Xanana Gusmão