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Indonesia-Timor Leste Maritime Boundaries on Exclusive Economic Zone: Equitable Principle

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Abstract *The boundaries of the sea area between one country's territory affect the sovereignty in the sea territory of another country. Indonesian Sea borders several countries, both in the EEZ and on the continental shelf. However, Indonesia has not yet finalized the determination of its maritime border with Timor Leste. The undetermined maritime boundary between Indonesia and Timor Leste affects the sovereignty of Timor Leste and affects Indonesia's space for movement. The purpose of this study is to find out the provisions and principles of determining maritime boundaries between the countries of Indonesia and Timor Leste. The method in this research is normative research with a statutory approach, a case approach, and a*

conceptual approach. The results of this study indicate that the Government of the Republic of Indonesia in determining territorial boundaries negotiates to determine how to draw maritime boundaries between the two countries by applying equitable principles. The process of negotiating maritime boundaries between Indonesia and Timor Leste with equitable principles can be a solution thus maritime boundaries between the two countries are immediately agreed upon.

Keywords Indonesia, Timor Leste, Maritime, EEZ, Equitable Principle

1. Introduction

Timor Leste has been struggling with quite complicated and lengthy problems in determining its territory both on land and in the sea since it officially became independent in 2002.¹ Geographically, Timor Leste is surrounded by two large countries, namely Indonesia and Australia.² This has triggered Timor Leste to assert its maritime borders towards the two countries,³ especially to Indonesia. Geographically, Timor Leste is squeezed between Northwest Australia and at the end of East Indonesia,⁴ which is also an archipelagic state. In the northern region, Timor Leste is bordered by the Banda Sea and the Indonesian Ombai Strait,⁵ and in the southern region of Timor Leste, Timor Leste itself is bordered by the Timor Sea

¹ Michael Leach, *Nation-Building and National Identity in Timor-Leste* (Routledge, 2016).

² Anthony L Smith, "Timor Leste: Strong Government, Weak State," *Southeast Asian Affairs* 2004, no. 1 (2004): 277–94.

³ Anais Kedgley Laidlaw and Hao Duy Phan, "Inter-State Compulsory Conciliation Procedures and the Maritime Boundary Dispute Between Timor-Leste and Australia," *Journal of International Dispute Settlement* 10 (2019): 126–59.

⁴ Garrett W Tate et al., "Australia Going down under: Quantifying Continental Subduction during Arc-Continent Accretion in Timor-Leste," *Geosphere* 11, no. 6 (2015): 1860–83.

⁵ B M Rehatta et al., "Growth, Mortality, Recruitment Pattern, and Exploitation Rate of Shared Stock Flying Fish (Exocoetidae) at Border Area of Indonesia and Timor Leste in Ombai Strait," in *IOP Conference Series: Earth and Environmental Science*, vol. 744 (IOP Publishing, 2021), 12062.

which divides its territory with Australia.⁶ Since the independence of Timor Leste, the constitution of the government of Timor Leste stipulates that the territorial area of Timor Leste includes land, sea and air areas demarcated by national borders which historically consist of the East region of Timor Island, the Oecusse enclave area, Atauro Island and Yako Island (Timor-Leste).⁷

Indonesia's land border with Timor Leste has been the subject of negotiations in the Provisional Agreement between the Government of the Republic of Indonesia and the Government of Republic Democratic Timor Leste on the Land Boundary,⁸ but maritime boundaries have not been the focus of discussion. According to the Prime Minister of Timor Leste, Dr. Rui Maria de Araujo, for the people of Timor Leste, establishing a permanent maritime border area is a continuation of the long struggle of the East Timorese people towards independence and full sovereignty.⁹ Timor Leste stated that his country did not ask for special and special forms of treatment because Timor Leste only wanted to know what should belong to him under the protection of international law.¹⁰ Determination of maritime borders for Timor Leste is important in implementing sovereignty for the people of Timor Leste.¹¹ When a maritime border has been established with Indonesia, based on

⁶ Annemarie Devereux, *Timor-Leste's Bill of Rights: A Preliminary History* (ANU Press, 2015).

⁷ Mau Lulo and Lourenco de Deus, "Concept of the Law of Timor-Leste," *Academic Research International* 8, no. 1 (2017).

⁸ Mutti Anggita, "The Agreement on the Land Boundary Between RI and Timor Leste: A Study of Indonesian Border Diplomacy," *Jurnal Penelitian Politik* 11, no. 1 (2014): 21.

⁹ Abid Muzammil Al-lathif, "Upaya Timor Leste Dalam Menyelesaikan Sengketa Laut Timor Dengan Australia Pada Periode 2012-2016" (UIN Syarif Hidayatullah, 2019).

¹⁰ Nigel Bankes, "Settling the Maritime Boundaries between Timor-Leste and Australia in the Timor Sea," *The Journal of World Energy Law & Business* 11, no. 5 (2018): 387-409.

¹¹ J. D. S. S. Barreto, "Upaya Australia Dan Timor-Leste Dalam Penyelesaian Konflik Batas Maritim (Kasus Greater Sunrise Tahun 2016-2018)" (Universitas Komputer Indonesia, 2019).

international law, the people of Timor Leste will gain sovereignty over the maritime area through that border. Timor Leste has a national legal product regarding the regulation of maritime water borders as stipulated in Law no. 7/2002 on Maritime Boundaries of the Territory of the Democratic Republic of Timor Leste which also regulates the territory of the Exclusive Economic Zone of Timor Leste.¹² The arrangement for determining maritime borders according to Timor Leste is determined by a baseline extending 200 nautical miles from the nearest point of the baseline (Article 7 Law No. 7/2002 on Maritime Boundaries of the Territory of the Democratic Republic of Timor Leste: The outer limit of the exclusive economic zone of Timor-Leste shall be defined by a line in which each of the points is situated at a distance of two hundred nautical miles from the nearest point of the baseline).

The perspective of the Indonesian state that can be used to refer to the determination of Indonesia's maritime border with Timor Leste is to look at the provisions in Law Number 6 of 1996 concerning Indonesian Waters. Article 10 Paragraph (1) of this Law has the same content as the provisions of Article 3 Paragraph (1) of Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone that an agreement is needed between the parties in determining the determination of the boundaries of the maritime area, but by measuring the line the center of which the points are equidistant from the nearest points on the baseline. However, what distinguishes the provisions of the Law on Indonesian Waters from the Law on the Indonesian Exclusive Economic Zone is that the provisions in Paragraph (1) do not apply if there are reasons for historical rights or special circumstances that cause the need to establish maritime

¹² Donald R Rothwell, "International Law: 2018 Timor Sea Treaty: A New Dawn in Relations between Australia and Timor-Leste?," *LSJ: Law Society of NSW Journal*, no. 44 (2018): 70–72.

borders between the two countries. The interest of the Indonesian state in setting maritime boundaries in the exclusive economic zone is that Indonesia has sovereign rights over the area so that it is deemed necessary to protect Indonesia's interests in the field of preserving the marine environment and marine scientific research in order to support the utilization of natural resources in the exclusive economic zone (Law Number 5 of 1983.). The territory of Indonesia which is in the form of an archipelago causes Indonesia to have a wealth of underwater natural resources, both biological and non-biological. The determination of maritime borders in the exclusive economic zone needs to be regulated thus Indonesia can take action for foreign ships if there are violations that occur in the Indonesian exclusive economic zone.

The determination of the boundaries of Indonesia and Timor Leste has been studied several times. The urgency of managing the borders of Indonesia and Timor Leste as well as border crossers is based on historical reasons that are more complex than the arrangement of Indonesia's borders with other countries.¹³ There has been no common perception in determining land boundaries even though the two countries have negotiated on the determination of territorial boundaries.¹⁴ Therefore, it is recommended that in determining the boundaries of the territory, it is better to involve traditional leaders as the two countries as historical witnesses. Responding to the interests of Indonesia and Timor Leste, the maritime boundaries of the two countries need to be decided immediately. In completing the determination of the border in the Exclusive Economic Zone between Timor Leste and the Government

¹³ Remigius Seran, "Strategi Pemerintah Republik Indonesia Dalam Penanganan Masalah Pelintas Batas Indonesia-Timor Leste," *Jurnal Hubungan Internasional* 11, no. 2 (2018).

¹⁴ Frederick G Whelan, "Prologue: Democratic Theory and the Boundary Problem," *Nomos* 25 (1983): 13–47.

of the Republic of Indonesia, Timor Leste seeks to basing the use of the method of zoning refers to a decision that has been conducted by the International Court of Justice (ICJ) including using the principle of proportionality, equitable principle, and the principle of the median line which is then called the three-stage procedure.¹⁵

This study will focus on the principle of equity as one of the principles that can be used as a reference for resolving maritime boundary issues. The principle of equity is considered appropriate to solve the problem considering that Indonesia's maritime border with Timor Leste is adjacent so that an agreement is needed that refers to the closest points from the baseline of the coastal state. The rules that form the basis of this study are international agreements. International treaties that are being reviewed include the Law of the Republic of Indonesia Number 32 of 2014 concerning Marine Affairs, MPR Decree 1978 Concerning the Integration of East Timor, MPR Decree MPR Decree Number V/MPR/1999 1999 on the Determination of Opinion in East Timor, United Nations Convention on the Law of the Sea 1982,¹⁶ and other regulations that related. The conduct of this study can serve as a spur and a basis so that the maritime boundaries between Indonesia and Timor Leste can be immediately decided. This can be done if the purpose of the research, namely knowing the provisions and principles of determining maritime boundaries between the countries of Indonesia and Timor Leste, has been known.

2. Method

This study used a normative research method, which was conducted by examining existing library materials both from primary

¹⁵ Irvan Mareto, "Perspective Of International Law On Maritime Territorial Dispute: Case Between Indonesia And Timor Leste," *Jurnal Hukum Dan Peradilan* 9, no. 2 (n.d.): 170–85.

¹⁶ Myron Nordquist, *United Nations Convention on the Law of the Sea 1982, Volume VII: A Commentary* (Brill, 2011).

legal sources such as legislation and judges' decisions.¹⁷ ¹⁸The approach used in this research was the statutory approach, the conceptual approach, and the case approach.¹⁹ This study focused on International Agreements which included Law of the Republic of Indonesia Number 32 of 2014 concerning Marine Affairs, MPR Decree 1978 Concerning the Integration of East Timor, MPR Decree MPR Decree Number V/MPR/1999 1999 on the Determination of Opinion in East Timor, United Nations Convention on the Law of the Sea 1982,²⁰ and other regulations that related.

3. Result & Discussion

A. Border Management Under Law Number 43 of 2008 – State Territory

Border management is a sign of a nation's commitment to effectively controlling its borders, one of which is demonstrated by the existence of a clear set of legal-formal regulations. The Indonesian government demonstrated its seriousness by passing Law No. 43 of 2008 regarding State Territories. Because it is illegal under international law to establish state borders unilaterally and instead requires a border agreement between nations, this rule does not specify state borders along with border coordinate locations. However, this law clarifies which nations Indonesia has bordered on land and in the water, as well as how state borders are managed at the federal and local levels of government. In accordance with this law,

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Yuridika, 2001).

¹⁸ H. P. Wiratraman, "The Challenges of Teaching Comparative Law and Socio-Legal Studies at Indonesia's Law Schools," *Asian Journal of Comparative Law* 14, no. S1 (2019): S229–44.

¹⁹ F. Abrianto, B. O., Winarsi, S., Widyantoro, A., & Kurniawan, "Model On Legal Transformation of the Local-Owned Enterprise to Public and/or Private Local Entities towards Climate Investment Boost," in *PROCEEDINGS-ICLG*, 2018, 192.

²⁰ Nordquist, *United Nations Convention on the Law of the Sea 1982, Volume VII: A Commentary*.

the following central government departments have management power over state territory and border areas: Create policies for the use and control of state territory and border areas, *first*; To determine state boundaries in conformity with international law and statutory provisions, hold agreements with neighboring nations; establishing or delineating the state territory's borders; gathering information and giving names to geographical features, such as islands or archipelagos; *second*, granting innocent passage licenses to foreign ships to pass through the territorial sea and archipelagic waterways on the routes established in the laws and rules; allowing international flights to fly through territorial airspace on a preset path in the laws and regulations; *third*, Conduct surveillance in the additional areas required to deter and punish those who violate the country's rules and regulations regarding customs, fiscal matters, immigration, and sanitary matters on its soil or in its territorial waters; Identify airspace that, for reasons of defense and security, cannot be crossed by foreign flights; *Fourth*, make new maps of the nation's territory and submit them to the House of Representatives at least once every five (five) years. *Fifth*, keep the state's territory and border regions secure and sovereign. Article 11 paragraph 1 states that the Provincial government has the competence to implement national policies and impose additional policies within the context of autonomy in the management of state territory and border territories; Coordination of border area development, development of border areas between regional governments and outside parties, and supervision of district/city government implementation of border area development are all necessary.

According to Article 12, regency/municipal governments have the authority to carry out government policies and stipulate other policies in the context of regional autonomy and co-administration, maintain boundary markers, carry out coordination in the context of carrying

out development tasks in border areas on their territory, and carry out the development of interregional government borders. To administer state boundaries and border areas at the central and regional levels, the government and local governments establish national and regional management agencies. A head of the agency reporting to the President, or a regional head in accordance with his authority, leads the management body. When it comes to issues like state sovereignty, territorial integrity, law enforcement, and the welfare of the populace, border regions are strategically important to both the federal government and local governments. The border management agency is entrusted with creating budget requirements and plans for border development program policies, coordinating implementation, and conducting evaluation and oversight. The commitment to govern the nation's territory, particularly its international borders, is strengthened by Law No. 43 of 2008 concerning State Territories. This law makes it very obvious that the goal of governing state territories is to ensure their integrity, sovereignty, and order for the welfare of the entire country as well as for the purposes of the law. Even though it calls for the creation of a body that expressly deals with border area management, this law emphasizes the power of the national and local governments to carry out development and collaboration to make it happen.

B. State Territory Under International Law

International recognition and the implementation of ties with a country are based on whether or not the requirements for its existence have been met, which, among other things, has to do with the country's territory, particularly when it comes to land territory or land territory. Therefore, a state without a state territory cannot be

recognized.²¹ Due to this reality, every country has territory with distinct boundaries that are still up for debate or determination and overlapped areas.²² Article 1 of the 1933 Montevideo Convention Concerning the Rights and Obligations of a State outlines the components or prerequisites for the formation of a state and emphasizes that these are the primary needs for the development of an independent and sovereign state: Permanent residents, a well defined region, and the capacity to build relationships with other nations.²³ One of the key components of the state is its territory, where it has control over all aspects of the local economy and way of life.²⁴ Territorial sovereignty is another name for this type of state sovereignty.²⁵ At the borders of the nation's territorial territory, territorial sovereignty will terminate. The outer limits of a nation's territory are also the outer limits of its territorial sea since a nation's territorial jurisdiction extends to its territorial waters.

The state territory can be divided into 2 (two) categories within the purview of state power over a region: The territorial approach serves as the foundation for the territory.²⁶ The nation was founded in this area, which is populated and has a separate government. This nation's territory is made up of its territorial sea, air space above it, and its land mass. Second, a region rich in natural resources, including a country's territory, which includes not only land but also water and air. Each nation owns land, airspace, and water, but only the coastal

²¹ Veronika Bílková, "A State Without Territory?," *Netherlands Yearbook of International Law 2016: The Changing Nature of Territoriality in International Law*, 2017, 19–47.

²² William Rankin, *After the Map: Cartography, Navigation, and the Transformation of Territory in the Twentieth Century* (University of Chicago Press, 2016).

²³ Thomas D Grant, "Defining Statehood: The Montevideo Convention and Its Discontents," *Colum. J. Transnat'l L.* 37 (1998): 403.

²⁴ Thomas J Biersteker, "State, Sovereignty and Territory," *Handbook of International Relations*, 2013, 245–72.

²⁵ Biersteker.

²⁶ Joe Painter, "Rethinking Territory," *Antipode* 42, no. 5 (2010): 1090–1118.

state or the nation whose shore faces the sea is the exclusive owner of sea territory. The land area is a portion of the land, which is where the inhabitants or residents of the concerned country live or are settled. Additionally, the state is in charge of all governmental operations on the property. Between the land areas of two nations, there must be clear boundaries. Boundary line agreements between neighboring countries are typically used to set land area borders. When viewed from the perspective of managing a government, it refers to the territory on which a nation's government presides. Boundaries for nations sharing a land border must be established in this regard. There aren't any specific laws that apply in the context of international law that govern how to determine a country's land borders; as a result, agreements between neighboring countries are used to determine a country's land borders.

C. Efforts Performed by Indonesia and Timor Leste

The public interest should apply settlement arrangements - negotiations, mediation, judicial conciliation, settlement agreements.²⁷ Referring to the conciliation procedure used by Timor Leste in resolving its maritime border dispute with Australia in 2016, it is possible that the settlement of Indonesia's maritime border with Timor Leste can be resolved by the conciliation method. Conciliation determination of maritime borders is carried out based on Article 269 and Annex V UNCLOS 1982.²⁸ Obligation to define maritime boundary lines between countries peacefully based on the provisions

²⁷ K. V. Kirillova, E. A., Bogdan, V. V., Blinkov, O. E., Kozhina, Y. A., & Yunusova, "Strategic Judicial Protection of Public Interests: Legal Aspects," *Journal of Advanced Research in Law and Economics* 8, no. 5 (2017): 1527.

²⁸ Xuexia Liao, "The Timor Sea Conciliation under Article 298 and Annex V of UNCLOS: A Critique," *Chinese Journal of International Law* 18, no. 2 (2019): 281–325.

of the ICJ Statute which later adapted by Article 279 of UNCLOS 1982 as follows:²⁹

“States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the charters. In addition to the conciliation procedure, both Indonesia and Timor Leste can take other procedures for establishing maritime boundaries within the Exclusive Economic Zone with negotiation or other selected methods and agreed upon by the parties. Settlement of the determination of maritime borders can be carried out using a negotiation method that can be passed between Indonesia and Timor Leste based on Article 283 Paragraph I of UNCLOS 1982 as follows,³⁰ “When a dispute arises between States Parties concerning the interpretation or application of this Convention, the parties to the dispute shall proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means.” In this case, the form of negotiation can be carried out through diplomatic channels in general, i.e. each of the diplomatic representatives of each countries can lead delegates or other departments of each countries that are related to the dispute. Main reason for doing negotiation is by negotiation, the parties can oversee the procedure settlement of the dispute and each settlement is based on agreement or consensus of the parties without intervention from a third party.

The development of the implementation of the determination of the maritime border between Indonesia and Timor Leste is to

²⁹ Md Asrafur Islam, Amira Paripurna, and Md Zahidul Islam, “Dispute Settlement under the UNCLOS with Special Reference to Compulsory Procedures: An Appraisal,” *Journal of Asian and African Social Science and Humanities* 7, no. 2 (2021): 50–59.

³⁰ E D Brown, “Table of UN and UNCLOS Resolutions,” in *Sea-Bed Energy and Minerals: The International Legal Regime* (Brill Nijhoff, 2001), xxxi–xxxiii.

continue negotiations on the border between countries and Timor Leste on 28 June 2018 which had previously been carried out by the two countries at the end of 2017. One of the agreements results that can be reached through negotiations with the Government of the Republic of Indonesia with Timor Leste is that the two countries themselves will settle the borders of the two countries on land, namely at Noel Besi-Citrana and Bijael Sunan-Oben. The Noel Besi-Citrana border is an area in Kupang Regency, East Nusa Tenggara, and Ambeno Regency which is part of the East Timor Region. Meanwhile, Bijael Sunan-Obel is a border area of North Central Timor Regency, which is part of Indonesia and the Oecusse District of Timor Leste. According to related news sources, the two countries agreed to settle the border on land first, then settle the border in the maritime area. Because the maritime border between Indonesia and Timor Leste which is located in the southern part of Indonesia is adjacent to the territory of the State of Australia and Indonesia has not conducted consultations with Australia. The principles of negotiation are divided into three approaches with different orientations, namely interest-based negotiation, rights-based negotiation, and power-based negotiation.

D. The Equitable Principle in Indonesia-Timor Leste EEZ Maritime Boundary

This principle was discussed in the 1958 Geneva Convention on the Continental Shelf and 1982 UNCLOS, only using the term median line and not equidistant line.³¹ Maritime borders whose coasts are adjacent to agreements between States, are determined from the nearest points from the baselines of the coastal states.

³¹ I Made Andi Arsana, *Batas Maritim Antarnegara: Sebuah Tinjauan Teknis Dan Yuridis* (Yogyakarta: Gajah mada University Press, 2007).

The application of the principle of equity was used in the case of the Gulf of Maine³² where the ICJ Judge decided that in addition to using the principle of equitable,³³ there must be several things that must be considered considering the geographical conditions of Canada and the United States such as the arrangement of geographical coordinate points and those regulated in the 1927 North American Datum (Judgements of Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area 20 January 1982 Article IV).³⁴ In the decision, the United States considers that the use of the equitable principle can apply if:

1. The principles of determining maritime borders must also look at the coastal areas of the two countries and the maritime areas in front of their coasts;
2. The principles of determining the applicable maritime boundaries can facilitate conservation and management of natural resources in the area;
3. The applicable maritime determination principles can minimize the potential for disputes between the two coastal countries, and
4. The applicable maritime border principles take into account the conditions relating to the territory of the coastal state. (Judgements of Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area 20 January 1982 Article IV)

America demands these matters to the ICJ considering the agreement that has been made and agreed by the United States with

³² S. M. Rhee, "Equitable Solutions to the Maritime Boundary Dispute between the United States and Canada in the Gulf of Maine," *Am. J. Int'l L* 75 (1981): 590.

³³ John Cooper, "Delimitation of the Maritime Boundary in the Gulf of Maine Area," *Ocean Development & International Law* 16, no. 1 (1986): 59–90.

³⁴ Bimal N Patel, "Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area:(Canada/USA)," in *The World Court Reference Guide* (Brill Nijhoff, 2000), 453–64.

Canada to bring this case to the ICJ attaching the coordinates of the maritime zone between the United States and Canada which is located at latitude 44° 11' 12" N, longitude 67° 16' 46" W, which ICJ later defined as an area divided by a straight line connecting the previous coordinate points, namely latitude 40° N, longitude 67° W; latitude 40° N, longitude 65° W; latitude 42° N, longitude 65° W (Judgements of Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area 20 January 1982, Article IV). Provisions for delimitation of the exclusive economic zone are contained in Article 74 of UNCLOS 1982 as follows.

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be affected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or almost the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

When referring to Article 38 of the ICJ Statute, then both Indonesia and Timor Leste must conclude an agreement between the two based

on several considerations including geographical considerations such as points geographical and other geographical conditions that support an agreement on the determination of maritime boundaries between Indonesia and Timor Leste with the goal of achieving a fair outcome.³⁵ If nothing can be agreed on the agreement between Indonesia and Timor Leste regarding the boundaries of the exclusive economic zone, then referring to Paragraph 3, the two countries work together to make a temporary and practical agreement.³⁶ An example that can be taken of a temporary agreement between Indonesia and other countries that discuss maritime boundaries is the Joint Declaration between the Republic of Indonesia and the Republic of the Philippines concerning Maritime Boundary Delimitation 2011,³⁷ which is a temporary agreement made by Indonesia and the Philippines where both are classified as archipelagic states.³⁸ Both countries agreed that both the Ministry of the Republic of Indonesia and the Ministry of The Republic of the Philippines will form a team to technically discuss the maritime boundary relations between the two countries, and must be met immediately. By looking at the example of the completion of maritime boundary determination between Indonesia and the Philippines, the formation of the team that has been formed by Indonesia and Timor Leste to agree on maritime boundaries should be able to show progress. The development that can be seen from the determination of the maritime boundaries of Indonesia and Timor Leste is that both parties agree to complete the

³⁵ Hao Duy Phan, "Maritime Boundaries," in *The Timor-Leste/Australia Conciliation: A Victory for UNCLOS and Peaceful Settlement of Disputes* (World Scientific, 2019), 95–111.

³⁶ Mohammad Faiz Aziz, "Developing Joint Development Zone in Disputed Maritime Boundaries," *Indonesian J. Int'l L.* 15 (2017): 432.

³⁷ Arie Afriansyah, Aristyo Rizka Darmawan, and Andreas Pramudianto, "Enforcing Law in Undelimited Maritime Areas: Indonesian Border Experience," *The International Journal of Marine and Coastal Law* 1, no. aop (2022): 1–18.

³⁸ Robert Cribb and Michele Ford, "Indonesia as an Archipelago: Managing Islands, Managing the Seas" (ISEAS-Yusof Ishak Institute, 2009).

determination of the land boundaries first, then proceed to the determination of the maritime boundaries which are carried out in the north of Timor Leste.

Ministry of the Republic of Indonesia and the Ministry of Timor Leste agreed that the negotiation process carried out by both parties take a long time because both sides don't want to interfere challenge the sovereignty of both parties. With this meeting, the principle of equity that applies in the law of the sea in particular applies Article 74 Paragraph 3 of UNCLOS 1982 was successfully implemented by both parties.

E. Handling Condition of the Indonesia-Timor Leste Maritime Border Area before the Independence

East Timor joined Indonesia as the country's 27th province on July 17, 1976, and was formally included by MPR Decree Number IV/78 regarding East Timor Integration. The Portuguese were the colonizers of this area for more than 400 years. Ambeno Regency/I shut up, Ermerra, Likuisa, Dili, Mantuto, Bakau, Lautem, Kovalim, Bobonaro, Ainaro, Aileu, Manafahi, and Vikeke District are the 13 districts that make up the East Timor Province. Ambeno or Oecussi Regency is a regency enclave in the province of East Timor, which has a total size of 14,609 km². East Timor's area merely makes up 0.7% of Indonesia's. The province of East Timor is situated between 08o 17' and 10o 22' South Latitude and 123o 25' and 127o 19' East Longitude, extending from Southwest to Northeast as a continuation of the entire Timor Island. Its neighbors to the north are Maluku Province's P. Alor and the Wetar Strait, the Banda Sea to the east, the Timor Sea to the south and east, and East Nusa Tenggara Province to the southwest. This province also features a number of smaller islands in addition to the island of Timor on the mainland. Atauro Island (P. Kambing), which

has a surface size of 140 km², and Yako Island, which has a surface area of 11 km², are the two islands. The maritime border at the time was along the coast between the provinces of East Nusa Tenggara because East Timor was still a part of Indonesia.

The border between provinces is marked by Mota'ain, which includes the regional enclave Oecussi Regency as well as Wetar Island to the north. This entails that there are no regulations, rules, or limitations on the activities of the economic wheel on land or at sea. It also means that there are no prohibitions on the movement of people or products. Belu District, Alor District, Wetar District, Ambeno District, Bobonaro, and Kovalima District communities near the sea boundary communicate amicably and live as developing Indonesian citizens. East Timor provincial residents are free to go fishing anywhere in Indonesia. East Timorese people are free to communicate with anyone, wherever in Indonesia. The Indonesian government runs different types of development programs throughout East Timor. The ideology field offers P4 upgrading, counseling, and other services to foster a greater love for the Unitary State of the Republic of Indonesia. For the East Timorese populace, formal and informal political education offers equal chances for participation in elections and positions in government. The Economic Sector builds the Comoro airport and related infrastructure and superstructure projects to serve the Garuda and Merpati Airlines flights that connect Dili to various locations in eastern Indonesia on a daily basis.

The building of the Archipelago harbor facilitates the operation of Pelni ships, which regularly leave and arrive in Dili once each week for various locations around Indonesia. In order to raise the economic standard of the people who were previously far behind individuals living in other regions or provinces of Indonesia, road construction helps land transportation as well as other physical advancements. Another method of attempting to raise the economic status of East

Timorese fishermen is to lend them boats. Implementing physical and non-physical development, such as in the areas of education, health, and religion, as well as investigating, conserving, and safeguarding indigenous culture as both regional and national cultural assets, are all tasks carried out in the socio-cultural sector. Since the Bobonaro Declaration signaled East Timor's incorporation into Indonesia for the first time, the defense and security sector has elevated to the top of the development priority list. It would have been better if East Timor's security and defense position had been better. Numerous social groups, particularly those affiliated with the Fretilin Party, committed different security violations and disturbances, which hindered development, made it insecure, and prevented it from taking place in the East Timor territory. Due of this, Indonesia has come to the notice of numerous nations, most notably the United Nations, which believes Indonesia has violated a number of human rights. International organizations are now viewed negatively as a result of the Fretilin Party's abroad campaign to wage a diplomatic war and undermine every accomplishment made by the Indonesian government in East Timor. Making a Base Point (TD) and removing a baseline in the south of Timor Island as the foundation for delineating a maritime border with Australia are part of the development of the maritime component that has been completed.

TABEL 1. Early Based Point between Indonesia and Timor Leste Border

No	Based Point	Position	Location
1.	TD 110	08° 26' 44,6" S - 127° 19' 54,5" T	P. Yako Timor Timur
2.	TD 111	08° 41' 08,4" S - 127° 00' 48,1" T	Tg. Soeloro Timor Timur
3.	TD 112	08° 57' 04,4" S - 126° 28' 41,0" T	Tg. Beaso Timor Timur
4.	TD 113	09° 08' 05,4" S - 125° 56' 09,0" T	Tg Wekusu Timor Timur

No	Based Point	Position	Location
5.	TD 114	09° 25' 47,8" S - 125° 12' 30,3" T	Tg. Tafaro Timor Timur
6.	TD 115	09° 25' 47,8" S - 125° 12' 30,3" T	Tg. Wetoh Timor Timur
7.	TD 116	09° 53' 40,0" S - 124° 45' 15,0" T	Tg. Batu Merah Timor Barat
8.	TD 117	10° 07' 25,0" S - 124° 28' 42,3" T	Tg. Haikmeo Timor Barat

The results of establishing the baseline are then used to define the area in the Timor Sea where the continental shelf of Australia overlaps with that area. There are issues between Indonesia and Australia because of the substantial petroleum deposits in the continental shelf area. In order to manage the natural resources in the Timor Gap region, a collaboration agreement was formed. These are the several types of cooperation:

1. Indonesia will receive 80% of the processing findings from Region B, which is the Indonesian continental shelf, while Australia would receive 20%.
2. Because Region A overlaps with another region, the distribution of natural Results of resource processing are split 50/50 between Australia and Indonesia.
3. Australia will receive 80% of the processing results from Region C, which is its continental shelf, while Indonesia would receive 20%.

Based on survey and mapping findings, Base Point coordinates are established and shown on maps in accordance with the UN convention on the law of the sea. Additionally, normal baselines or archipelagic baselines are drawn between Basic Points that are not longer than 125 NM and do not cross international waters. The territorial sea is 12 NM wide, the Supplementary Zone is 24 NM, the Exclusive Economic Zone is 200 NM, and the maximum Continental Shelf is 350 NM, according to these baselines. The ALKI III route,

which rises beyond the maritime borders of Indonesia and Timor Leste and runs via the Ombai Strait, will be diverted toward Indonesian waters. To prepare the channel, it is necessary to conduct a hydrographic survey.

There is currently no specific classification for marine border security forces. However, organizational requirements to foresee threats and disruptions to state sovereignty in or by sea led to Lanal Kupang's transformation into Lantamal VII and the deployment of the Marine Base Battalion (Yonmarhanlan) in Kupang. On the other hand, the Government of Indonesia has deployed marine forces and built a beacon tower that the Department of Transportation carried out as a show of territorial ownership to counter island claims along the maritime border by other parties, such as Batek Island.

The current border guards are known as the land border security force. As it enters its eighth year of service in the NTT region, the Indonesia-Timor Leste border security operation, which has been ongoing since 1999, has significantly impacted the security stability of the two independent nations. It has been possible to safeguard the sovereignty of the two countries by working with the Timor Leste security forces in their territory thanks to the presence of security troops along the border who are members of the Indonesia – Timor Leste Pamantas Task Force.

The Pamantas Indonesia – Timor Leste Task Force has additional directives in addition to the primary missions that the Upper Command has provided for it to follow, namely:

- a. An understanding about the coordinates of the state boundary lines between the Indonesian government and Timor Leste. The agreement was signed on April 8, 2005, at Mota'ain on the Indonesia-Timor Leste border by the foreign ministers of Indonesia and the Timor Leste. It contains the coordinates of the

agreed state boundary lines, and some stakes and memorials have been erected along the border.

- b. Joint Protap Concerning Working Mechanisms and Coordination between Related Agencies at the Indonesia-Timor Leste Border is a standard operating procedure created in February 2005 as a reference for related Agencies in Kab. Belu and TTU in carrying out their task of handling issues at the Indonesia – Timor Leste border so that they are coordinated and integrated and do not violate applicable regulations.
- c. The Republic of Indonesia's Minister of Trade Rini Suwandi and the Timor Leste's Minister of Foreign Affairs Jose Ramos Horta stipulated and signed an agreement on cross-border and traditional markets on June 23, 2003, in Jakarta. The agreement contains rules for these markets, but they haven't been implemented as of yet.
- d. Local ingredients. The guidelines for Temu Kangen (Family Conference) and agreements on provisions in still-controversial areas are contained in this decision, which came about as a consequence of a meeting between the governments of the two countries (for example, the Decree of the Regional Government of TTU and Oecussi District).

It is. Other Requirements. Several technical agreements in the field for resolving any issues that arise at the border were reached as a consequence of the meeting activities conducted by the Indonesia-Timor Leste Pamtas Task Force and its employees with the Timor Leste border guard apparatus (UPF). An organic Pamtas Task Force Unit and a BP Pamtas Task Force Unit from Korem 161/WS make up the 670-person Indonesian Pamtas Task Force – Timor Leste. There are 39 border posts, with Haliwen Atambua serving as command central.

4. Conclusion

In determining the maritime border between Indonesia and Timor Leste, after referring to the principles and provisions contained in the international law of the sea, the efforts that can be made by Indonesia and Timor Leste in resolving maritime border disputes are conciliation or negotiation with equitable principles. After the formation of a special team, the determination of maritime boundaries between Indonesia and Timor Leste should be agreed immediately.

5. Declaration of Conflicting Interests

The authors state that there is no conflict of interest in the publication of this article.

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