



**THE ASEAN REGIONAL FORUM ON DISPUTE RESOLUTION AND LAW OF THE
SEA**

WELCOME KEYNOTE ADDRESS BY HIS EXCELLENCY

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International guests
Members of the National Parliament
Members of Government
Heads of our Sovereign Bodies
Members of the Diplomatic Corp
Co-chairs
Distinguished Guests
Ladies and Gentlemen,

It is a great pleasure to welcome you to Timor-Leste for this important ASEAN Regional Forum Workshop on dispute resolution and the law of the sea.

I would like to thank our international guests for joining us. I see many long-time friends of Timor-Leste here today, as well as those visiting for the first time. I trust that you will all enjoy this visit to our country.

I would also like to thank the other co-chairs of this Forum, Malaysia and Australia, for organising this event with Timor-Leste. The work of the co-chairs reflects their commitment to dispute resolution and international law.

It is excellent to see the many countries represented here today. This demonstrates the strength of ASEAN and its promotion of regional and global peace and cooperation.

We are also fortunate to welcome so many experts on dispute resolution and the law of the sea; including practitioners, legal and technical experts, diplomats and academics. We look forward to hearing from you all and learning from your experiences.

I am pleased to welcome senior representatives from our two maritime neighbours – Indonesia and Australia. This includes Mr Damos Agusman, Director General for International Law and Treaties from Indonesia's Ministry of Foreign Affairs, and my counterpart in our maritime boundary delimitation discussions. We are also fortunate that Ambassador Gary Quinlan has joined us. As Australia's Agent in our compulsory conciliation, he will be able to share his perspective on the process.

Ladies and gentlemen,

In the absence of H.E. Judge Koroma, who was scheduled to deliver the keynote address, please allow me to stand in his place. While I will not be able to speak with his legal knowledge and his legal experience, I can provide the humble point of view from the perspective of a lay person.

Governance of the oceans presents some of the most pressing security, economic and environmental issues of this century.

The ocean is critical to our survival. It is home to up to 80 percent of all life, is essential to combatting climate change, nurtures incredible biodiversity and produces food, jobs and energy resources that nations depend upon.

Effective ocean governance through the law of the sea is critical to protect our future and promote global peace and security. This includes the resolution of maritime disputes that can create geopolitical tensions - dividing countries and people at a time when we should be coming together.

Globally there are around 400 unresolved maritime boundary disputes. These disputes cause conflict and insecurity. We know this only too well

in our own region where maritime boundary disputes have caused unease and distrust.

We also know this from Timor-Leste's own experience where a long running dispute with Australia prevented maritime cooperation and economic development. Over the two days of this Forum we will discuss this dispute in more detail, but please allow me to give some context to the Timorese situation.

While we are a small island nation; we have a big story to tell. Our people have emerged from conflict and fragility to build a strong foundation for national development, guided since 2011 by our 20-year *Strategic Development Plan*.

We have built a resilient. We have built a safe, tolerant and open society with a free media. Importantly, we have been working hard to consolidate our State and build effective institutions.

This has not been an easy or straightforward task for the Timorese people; it has not been without struggle and hardship. We are a fragile State and we have made stumbles along the way; but we have never lost sight of our dream – an independent and sovereign nation.

An important part of this dream is achieving sovereignty over our lands and our seas.

As a maritime nation, our waters are integral to our way of life. The seas have a spiritual significance to us.

By legend, the Timorese are the grandchildren of the crocodile – upon its death, its body became the land of Timor, the ridges on its back became the mountains and the valleys, and the oceans its final resting place.

Many Timorese depend on the oceans for their sustenance and livelihood. And the development of a blue economy and a petroleum industry based

on the reserves of oil and gas under our seabed will underpin our economic future.

To achieve our dream of political and economic sovereignty, and realise our full national potential, we need sovereignty over our seas as well as our land.

That is why the permanent delimitation of our maritime boundaries is so important to us; and it is why our dispute with Australia was so significant.

Since our independence in 2002, Australia had refused to agree to maritime boundaries that were in accordance with international law. This left us with no other option than to look to the constitution of the seas, the United Nations Convention on the Law of the Sea, for a solution.

Timor-Leste had always been a strong supporter of the rule-based order and the international system established by the community of nations to uphold it.

During our struggle for independence, we called on international law to bring liberation to our people. In our struggle for our maritime sovereignty, we once again turned to international law to achieve a just outcome for our country.

Under UNCLOS, as well as customary international law, all countries have an obligation to negotiate permanent maritime boundaries with their neighbours.

As you know, UNCLOS also provides avenues for dispute resolution. If a negotiated agreement is not possible, disputes can be submitted to an international court, tribunal or other body under UNCLOS.

The binding dispute resolution bodies under UNCLOS include the International Court of Justice, the International Tribunal for the Law of the Sea and other arbitral tribunals.

However, we were in a predicament because on the eve of our independence Australia excluded maritime boundary disputes from the jurisdiction of binding dispute resolution bodies.

Fortunately, UNCLOS also provided an alternative avenue that had never been used before – compulsory conciliation. Under this option an independent panel of experts is convened to engage the parties in conciliation to try and achieve an agreement.

This mechanism was designed to ensure that no maritime boundary dispute is left unresolved, in the interests of maintaining international peace and security.

This is the option that Timor-Leste took to resolve our maritime boundaries with Australia – we became the first country to initiate a compulsory conciliation process.

On 13 April 2016 I personally delivered a copy of the notice initiating the compulsory conciliation process to the then Secretary-General, Ban Ki-Moon, in New York.

The process involved an independent panel of conciliators, known as the conciliation commission, engaging with the parties in dialogue to reach an agreement.

At the end of the process, if no agreement is reached, the parties to the conciliation are required to negotiate in good faith on the basis of a report by the conciliation commission, which is presented to the Secretary-General of the United Nations.

The conciliation was difficult. It was intensive and both Timor-Leste and Australia fought hard to defend their national interests.

After many rounds of negotiations, guided by the conciliation commission, a breakthrough was achieved on 30 August 2017 - 18 years to the day

since the people of Timor-Leste voted for independence. An agreement was reached with Australia on a maritime boundary that was consistent with international law.

The story of the compulsory conciliation is set out in book the *New Frontiers: Timor-Leste's Historic Conciliation on Maritime Boundaries in the Timor Sea*. You have all been provided with a copy of this book in your delegate pack.

For Timor-Leste, the achievement of permanent maritime boundaries with Australia represents one of the last steps in our journey to full sovereignty. It is also a testament to the determination of our people who took a chance of testing a procedure that had never been used before.

The maritime boundary with Australia has brought pride to our young country and given us the opportunity to realise the potential of our seas.

I also believe that the success of the compulsory conciliation can serve as an example for other countries in similar situations.

The UNCLOS conciliation shows the promise of the international system and the rule-based order at a time when it is under stress. In our increasingly dis-ordered world, international law provides the foundation for peace and for development.

That is why this Forum is so important – it brings together people who can defend the international system and who understand the importance of the law of the sea.

While Timor-Leste may be a small country, we want to do what we can to support the resolution of disputes, including maritime boundary disputes that threaten global security and cooperation.

We would be pleased to share our experiences, and what we have learnt,

with other nations in a similar position to us. I see today's Forum as part of that commitment and look forward to discussing our experiences with you all.

Ladies and gentlemen,

I am pleased that this Forum will also address the resolution of disputes in relation to fisheries and the environment. Over three billion people depend on marine and coastal biodiversity for their livelihoods, including the Timorese people.

However, our oceans are being over exploited and are polluted, including by too much plastic. How we manage our oceans and its resources is critical to our future and to addressing the effects of climate change.

In 2012 I promised the then President of Kiribati, Anote Tong, that I would raise the matter of climate change in every global forum I attended. The very existence of his nation was – and remains - at risk.

As my dear friend, UN Secretary General, António Guterres, said at the Global Economic Forum Meeting in Davos this year, “We will be destroyed by climate change, not the planet. This will be for us a clear indication that we absolutely need to change course.”

Sustainable Development Goal 14 - to conserve and sustainably use the oceans and marine resources – is critical to humanity. It calls for the conservation and the sustainable use of ocean resources through international law. I hope at this Forum we have productive discussions about the importance of the law of the sea to resolve disputes about fisheries and the environment.

Like many countries, protection of the marine environment is critical to Timor-Leste's sustainable development.

Timor-Leste is a member of the Coral Triangle, working with our

neighbours to protect this special ecosystem and the 3,000 species within it. In our northern seas, the Ombai and Wetar Straits are a major migratory route for many whale species — including the incredible blue whale — along with humpback and sperm whales.

And a recent USAID study found that the coral reefs on Atauro Island are the most biodiverse in the world.

In June, I will be attending the 2020 UN Ocean Conference in Lisbon. This will provide an opportunity to present Timor-Leste's vision for the blue economy and the steps we will take to meet SDG14.

This will include expanding our marine protected areas, conserving our coral reefs, protecting our mangrove forests, providing sustainable fisheries and establishing a Marine Education Centre so that our youth become part of a Blue Generation. In implementing these initiatives, we will make sure we protect our traditional fishers that rely on the oceans to support their families and their communities.

Ladies and gentlemen,

Before I finish, let me say some brief words about the importance of ASEAN.

Southeast Asia has a difficult history of colonialism and conflict; it has faced significant development challenges, and it is diverse in culture, religions and languages.

Despite these challenges, it has successfully emerged as a vibrant and dynamic region and as a global economic powerhouse. Importantly, Southeast Asia has come together in cooperation and solidarity; and with a sense of a shared identity and future. This has been the great success of ASEAN.

As the only nation in Southeast Asia not a member of ASEAN, Timor-

Leste seeks ascension to this important body. ASEAN is part of the fabric of our region and the Timorese people look forward to becoming an active and positive member of this community.

I am very pleased that Timor-Leste could host this ASEAN Regional Forum Workshop. I trust you will find the Workshop to be a valuable exercise in discussing the various avenues for dispute resolution under international law, in considering emerging issues in dispute resolution and in supporting the rules based global order.

I wish you all a productive and enjoyable visit to our country and I look forward to meeting with you during the Workshop.

Thank you very much.