

Annex 3:
Notice of Conciliation

**1982 UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA**

**IN THE DISPUTE CONCERNING
MARITIME DELIMITATION BETWEEN
THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE AND
THE COMMONWEALTH OF AUSTRALIA
IN THE TIMOR SEA**



**NOTIFICATION INSTITUTING CONCILIATION
UNDER SECTION 2 OF ANNEX V OF UNCLOS**

11 APRIL 2016

1. Pursuant to Article 298 and Annex V of the United Nations Convention on the Law of the Sea ("UNCLOS"), the undersigned, being duly authorised by the Government of the Democratic Republic of Timor-Leste ("**Timor-Leste**"), hereby transmits to the Government of the Commonwealth of Australia ("**Australia**") this notification instituting compulsory conciliation.
2. As Australia is aware, Timor-Leste and Australia are neighbouring States lying less than 400 nautical miles apart across the Timor Sea, with broadly parallel opposing coastlines. As States Parties to UNCLOS, they are obliged to negotiate the maritime boundaries between them.
3. Timor-Leste and Australia have not yet delimited their maritime boundaries in the Timor Sea. There have been various instruments, whose legal validity is disputed, that have set out provisional arrangements; but none of them purports to establish permanent maritime boundaries or impedes the conduct of these compulsory conciliation proceedings.
4. Timor-Leste's exercise of its sovereign rights within its maritime boundaries in the Timor Sea is frustrated by Australia's continuing refusals either to negotiate a permanent maritime delimitation agreement or to settle the dispute through other peaceful means such as arbitration or judicial settlement. Hence Timor-Leste has initiated compulsory conciliation as the only procedure available to it for the settlement of the dispute over its permanent maritime boundaries with Australia.
5. The dispute submitted for conciliation concerns the interpretation and application of Articles 74 and 83 of UNCLOS for the delimitation of the exclusive economic zone and the continental shelf between Timor-Leste and Australia including the establishment of the permanent maritime boundaries between the two States.

6. Timor-Leste has the right to permanent maritime boundaries with Australia, to be effected 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 reach an equitable solution to the delimitation of its maritime zones with Australia; and Australia is obliged to negotiate such boundaries in good faith. Timor-Leste will set out its position in detail at the appropriate stage in the proceedings.
7. Timor-Leste's goal in these proceedings is to conclude, with the assistance of the Conciliation Commission and in accordance with UNCLOS, an agreement with Australia that delimits Timor-Leste and Australia's permanent maritime boundaries in the Timor Sea. Timor-Leste is also prepared to agree upon and establish appropriate transitional arrangements in consequence of the agreement.
8. The Conciliation Commission is requested to assist Timor-Leste and Australia in reaching an amicable settlement of their dispute relating to the delimitation of their permanent maritime boundaries in the Timor Sea.
9. In accordance with the requirements of Annex V, Article 3(b) of UNCLOS, Timor-Leste hereby appoints Judge Abdul Koroma and Judge Rüdiger Wolfrum as Timor-Leste's party-appointed conciliators. Timor-Leste proposes that the Permanent Court of Arbitration be invited to act as the Registry for these conciliation proceedings.
10. Timor-Leste has appointed the Minister of State and of the Presidency of the Council of Ministers, His Excellency Hermenegildo Pereira, as Agent for these conciliation proceedings. The Chief Executive Officer of Timor-Leste's Maritime Boundary Office, Ms Elizabeth Exposto, has been appointed as Deputy Agent.

11. All communications concerning these conciliation proceedings should be notified to the Agent at the following address:

His Excellency Hermenegildo Pereira

Ministerio de Estado e da Presidência do Conselho de Ministros

Edifício 1, R/C Esquerda

Palácio do Governo

Avenida Marginal

Díli, Timor-Leste

By email c/o: elizabeth.baptista@pcm.gov.tl

and also to the Deputy Agent at the following address:

Ms Elizabeth Exposto

Conselho para a Delimitação Definitiva das Fronteiras Marítimas

Gabinete das Fronteiras Marítimas

1º Andar, Ala Ocidental do Edifício

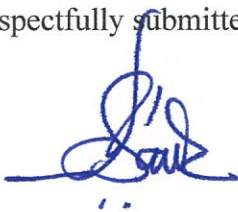
Palácio do Governo

Avenida Marginal

Díli, Timor-Leste

By email: e.exposto@gfm.tl

Respectfully submitted,



Dr Rui Maria de Araújo

Prime Minister of the Democratic Republic of Timor-Leste

Díli, 11 April 2016