

Annex 5:
Letter from the Parties to the Permanent Court of Arbitration of
11 May 2016

Mr Hugo Hans Siblesz
Secretary-General
Permanent Court of Arbitration
Peace Palace
Carnegieplein 2
2517 KJ The Hague
The Netherlands

11 May 2016

Dear Secretary-General

**CONCILIATION PROCEEDINGS BETWEEN THE GOVERNMENT OF THE
DEMOCRATIC REPUBLIC OF TIMOR-LESTE AND THE GOVERNMENT OF THE
COMMONWEALTH OF AUSTRALIA PURSUANT TO ARTICLE 298 AND ANNEX V OF
UNCLOS**

We write to inform you that on 11 April 2016, pursuant to Article 298 and Annex V of the United Nations Convention on the Law of the Sea ("**UNCLOS**"), the Government of the Democratic Republic of Timor-Leste ("**Timor-Leste**") initiated compulsory conciliation proceedings against the Government of the Commonwealth of Australia ("**Australia**") ("**Conciliation Proceedings**").

Both parties hereby invite the Permanent Court of Arbitration ("**PCA**") to act as the Registry for the Conciliation Proceedings.

In accordance with the requirements of Annex V, Articles 3(b) and 3(c) of UNCLOS, the parties have appointed the following conciliators:

Timor-Leste: Judge Abdul Koroma and Judge Rüdiger Wolfrum.

Australia: Dr Rosalie Balkin and Professor Donald McRae.

By a letter of today's date, copied to the PCA, we have informed the party-appointed conciliators that we have agreed to invite the PCA to act as the Registry for the Conciliation Proceedings. We have also reminded them of the next steps in the Conciliation Proceedings.

For the avoidance of doubt, the next steps are as follows:

- a) in accordance with Annex V, Article 3(d) of UNCLOS, the party-appointed conciliators shall within 30 days after they have all been appointed, appoint a fifth conciliator from the list of conciliators maintained by the Secretary-General of the United Nations ("**List of Conciliators**"), who shall be chair; and
- b) in accordance with Annex V, Article 3(d) - (e) of UNCLOS, if the appointment is not made within the 30-day period referred to above, either party may, within one week of the expiration of that period, request the Secretary-General of the United Nations to make the appointment of the fifth conciliator from the List of Conciliators, in consultation with the parties to the dispute. Such appointment shall be made within 30 days of receipt of a request by a party.

For ease of reference, we **enclose** a copy of Article 298 and Annex V of UNCLOS.

We look forward to receiving confirmation from the PCA that it accepts our invitation to act as Registry for the Conciliation Proceedings.

Yours faithfully

Agent for Timor-Leste:



Mr Hermenegildo Pereira
Minister of State and of the Presidency of the
Council of Ministers

Agent for Australia:



Mr John Reid
First Assistant Secretary, Office of International
Law, Attorney-General's Department

Copy to:

Ms Elizabeth Exposto
Deputy Agent for Timor-Leste
Chief Executive Officer
Maritime Boundary Office

Ms Katrina Cooper
Co-Agent for Australia
Senior Legal Advisor
Department of Foreign Affairs and Trade

Encl.

Article 298 and Annex V, UNCLOS