

Annex 6:
Letter from the Parties to the Commissioners of 11 May 2016

Judge Abdul Koroma
KORNALIJNHORST 48
2592HX The Hague
Netherlands

Email: koroma.a.g@gmail.com

Judge Rüdiger Wolfrum
Max Planck Institute for Comparative Public Law
and International Law
Im Neuenheimer Feld 535
69120 Heidelberg
Germany

Email: wolfrum@mpil.de

Dr Rosalie Balkin
57 Stane Grove
Stockwell, London
SW9 9AL, United Kingdom

Email: rosaliebalkin1@gmail.com

Professor Donald McRae
Faculty of Law, Common Law Section
University of Ottawa
57 Louis Pasteur
Ottawa, Ontario, K1N 6N5
Canada

Email: dmcr@uottawa.ca

Copy to:

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

11 May 2016

Dear Madam and Sirs

**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**

As you are aware, 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**").

In accordance with Annex V, Articles 3(b) and 3(c) of UNCLOS, the parties have appointed each of you to act as conciliators in these Conciliation Proceedings.

The parties have invited the Permanent Court of Arbitration ("**PCA**") to act as the Registry for the Conciliation Proceedings. Assuming the PCA accepts, it will undoubtedly be in touch with you concerning the conduct of the Conciliation Proceedings.

By way of reminder, the next steps in the Conciliation Proceedings 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.

In accordance with the usual practice, and recognising the intention for this process to be conducted amicably, the parties record their wish to be invited to provide their views to you on the selection and appointment of the Chairperson in these Conciliation Proceedings.

Yours faithfully

Agent for Timor-Leste:

Agent for Australia:



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



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